File Microcopies of Records in the National Archives: No. 133

Roll 67

DESPATCHES FROM UNITED STATES MINISTERS TO JAPAN

Volume 67

July 3, 1894 - November 29, 1894

THE NATIONAL ARCHIVES

Washington: 1949

INTRODUCTION

The 83 volumes reproduced in this microcopy contain communications, with related enclosures, that were received by the Secretary of State from diplomatic representatives of the United States accredited to Japan in the period 1855-1906. The series, which may be referred to as "Diplomatic Despatches, Japan," is part of a larger body of records in the National Archives designated as Record Group 59, General Records of the Department of State. The documents have been reproduced in the order, for the most part chronological, in which they appear in the volumes. Their contents are registered on Roll 1.

The volumes, each of which has been microcopied on a separate roll (except volumes 81 and 81 Annex which have been placed on one roll), are distributed as follows:

Roll	Volume	Inclusive Dates
1	1	March 17, 1855 - [illegible]
2	2	July 1, 1858 - December 31, 1859
3	3	January 2, 1860 - May 6, 1862
4	4	February 7, 1862 - December 31, 1863
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6	6	January 2, 1865 - December 31, 1865
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9	9	January 2, 1868 - April 6, 1868
10	10	April 10, 1868 - August 26, 1868
11	11	September 1, 1868 - April 1, 1869
12	12	April 1, 1869 - May 10, 1869
13	13	June 25, 1869 - April 2, 1870
14	14	May 2, 1870 - September 30, 1870
15	15	October 20, 1870 - [illegible]
16	16	[illegible]
17	17	January 2, 1871 - [illegible]
18	18	[illegible]
19	19	August 27, 1871 - December 31, 1871
20	20	[illegible]
21	21	[illegible]
22	22	[illegible]
23	23	[illegible]
24	24	[illegible]
25	25	[illegible]
26	26	December 13, 1872 - [illegible]

Roll	Volume	Inclusive Dates
27	27	December 19, 1873 - March 20, 1874
28	28	March 21, 1874 - October 8, 1874
29	29	October 9, 1874 - March 20, 1875
30	30	March 23, 1875 - October 5, 1875
31	31	October 6, 1875 - February 5, 1876
32	32	February 8, 1876 - August 22, 1876
33	33	September 4, 1876 - March 6, 1877
34	34	March 7, 1877 - September 19, 1877
35	35	September 24, 1877 - December 31, 1877
36	36	January 4, 1878 - April 17, 1878
37	37	April 18, 1878 - July 23, 1878
38	38	July 24, 1878 - December 27, 1878
39	39	January 4, 1879 - July 23, 1879
40	40	July 24, 1879 - October 29, 1879
41	41	November 6, 1879 - March 24, 1880
42	42	April 9, 1880 - July 26, 1880
43	43	August 3, 1880 - January 22, 1881
44	44	February 1, 1881 - June 30, 1881
45	45	July 4, 1881 - November 23, 1881
46	46	December 3, 1881 - May 23, 1882
47	47	May 30, 1882 - November 30, 1882
48	48	December 4, 1882 - July 31, 1883
49	49	August 3, 1883 - December 31, 1883
50	50	January 7, 1884 - June 30, 1884
51	51	July 1, 1884 - December 29, 1884
52	52	January 2, 1885 - July 30, 1885
53	53	August 1, 1885 - December 31, 1885
54	54	January 6, 1886 - July 9, 1886
55	55	July 10, 1886 - December 29, 1886
56	56	January 1, 1887 - May 23, 1887
57	57	June 1, 1887 - December 31, 1887
58	58	January 6, 1888 - October 26, 1888
59	59	November 5, 1888 - July 31, 1889
60	60	August 1, 1889 - January 31, 1890
61	61	February 5, 1890 - June 23, 1890
62	62	July 7, 1890 - December 24, 1890
63	63	January 8, 1891 - December 28, 1891
64	64	January 5, 1892 - December 28, 1892
65	65	January 4, 1893 - August 28, 1893
66	66	September 2, 1893 - June 30, 1894
67	67	July 3, 1894 - November 29, 1894
68	68	December 7, 1894 - July 31, 1895
69	69	August 9, 1895 - September 22, 1896
70	70	October 1, 1896 - November 30, 1897
71	71	December 6, 1897 - August 29, 1898
72	72	September 3, 1898 - July 29, 1899
73	73	August 3, 1899 - June 30, 1900
74	74	July 1, 1900 - January 31, 1901
75	75	February 5, 1901 - December 31, 1901

communications ("Notes") exchanged between the Secretary of State and the diplomatic representatives of Japan in Washington. Related to these records, though less directly, are despatches to the Department of State from United States consuls at Nagasaki, 1860-1906 (File Microcopy 131), Kanagawa, 1861-1897 (File Microcopy 135), Yokohama, 1897-1906 (File Microcopy 136), and at Osaka, Hiogo, and Kobe, 1868-1906. All these series were discontinued on August 14, 1906, when the Department of State adopted the practice of filing incoming and outgoing correspondence, not of a routine nature, by subject in a single numerical case file. Correspondence on routine matters was placed in a "minor file." In 1910 this system was abandoned and the Department's present decimal system of subject classification adopted. The numerical case file, the "minor file," and the decimal file are in the National Archives through 1929.

Also in the National Archives, in Record Group 84, Records of the Foreign Service Posts of the Department of State, there are records kept by American diplomatic and consular posts. Although these post records duplicate to some extent the records that were kept in Washington, they supplement them importantly by providing detailed information about many transactions that were only summarized or were not reported on at all in the documents that were transmitted to Washington. Film microcopies of these post records have not been made.

In this Microcopy the ends of lines next to the binding have not always been reproduced by the camera; a reading of any lines thus affected will be provided upon request by the National Archives.

ROLL CONTENTS

The volume microcopied on this roll has the following backstrip title: "67 / Japan / Edwin Dun / July 1, 1894, / November 30, 1894. / 109 - 200. / Department / of State." It contains communications, with related enclosures, to the Secretary of State from Edwin Dun, Envoy Extraordinary and Minister Plenipotentiary accredited to the Government of Japan, April 4, 1893.

67

Japan

Orin Dun

July 1, 1894

December 31, 1894

109-211

Argentine Republic

C70 C46

C92

TELEGRAM RECEIVED. Cipher

DIPLOMATIC BUREAU
JUL 10 1894

From Tokio

July 3, 1894.

Received July 5.

Gresham

Washington.

Confirmed 10 July 94.

Japanese Minister for Foreign affairs assures me Japanese troops were sent in the first place to Korea under the Convention of '82 (Foreign Relations '85, page 343). Notice of the despatch of great Chinese forces necessitated increased Japanese forces to prevent any recurrence events of '82-84. Rebellion in Korea due to corruption and oppression. Japan asks (any) radical administrative reform to guarantee peace in future and proposed joint action with China for that purpose. China refused. In defiance of China, reforms will be carried out by Japan. Japan disclaims intention of (the) territory's aggrandizement. Advances must be made now by China. Good offices of the United States in Peking might re-open negotiations, or may I offer good offices through the Chinese Minister here.

Dun.

DEPARTMENT OF STATE
AUG 6 1894
RECEIVED.

Legation of the United States
Tokyo, Japan, July 7th 1894

Mr. Whitney
To the Secretary of State

Subject.
Salary account for June quarter
1894.

1

Legation of the United States,
Tokyo Japan, July 7th, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D.C.

Sir:

Herewith I have the honor to enclose my statement of salary account for the quarter ended June 30th, 1894.

I have the honor to be,
Sir,
Your obedient servant
Willis Norton Whitney

T.M.

Enclosure: Statement of salary account.

DIPLOMATIC BUREAU

TELEGRAM RECEIVED

From Tokio

July 10, 1894.

Received July 11

Gresham

Washington

D.C.

Your cipher telegram of 8th has been received. Instructions (communicated to) Japanese Government reply as follows: The object of Japan in Korea is not to make war but essentially to insure peace, order, good government and independent sovereignty of Korea in order to prevent recurrence of rebellion. Japan is desirous of the removal of the causes of discontent which are official corruption, peculations, misgovernment. The government of Korea would adopt reforms recommended, but prevented by equivocal attitude of China which endangers peace of the East. The insurrection is not entirely quelled and the cause if it remains. It would be unwise in Japan to withdraw troops at this moment and they are very anxious to do so when future order is assured. There is no apprehension of war with Korea. My opinion is that there is no probability of war between Japan and China.

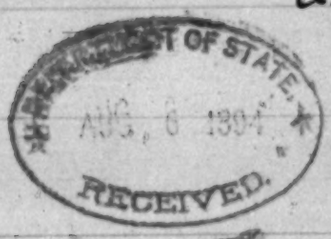
Dun

Rec'd to File

No. 109.



DIPLOMATIC BUREAU.
AUG 18 1894



Legation of the United States,
Tokyo, Japan, July 12, 1894.

Mr. Dun
to the Secretary of State.

Subject:
Accounts for Passports, Telegrams, Contingent Expenses and Salary.

No. 109.

Legation of the United States
Tokyo, Japan, July 13/1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to enclose herewith the following accounts:

1/ Passports - January 1 - July 1, 1894.
2/ Contingent Expenses: March 1 to June 30/94
3/ Telegrams. - June 1. - June 30, 1894
4/ Salary. - March 1 - June 30, 1894

I have the honor to be,

Sir,

Your obedient servant

Edwin Dun

Enclosures.

Enclosures:

1. Account for passports.
2. Account for Contingent Expenses.
3. Account for Telegrams.
4 Account for Salary.

DIPLOMATIC BUREAU
AUG 6 1894

No. 110.

Answered Aug 20 94

Legation of the United States,
Tokyo, Japan, July 18, 1894.

DEPARTMENT OF STATE
AUG 6 1894
RECEIVED.

Mr. Dun
to the Secretary of State.

Subject:
Reading of cypher telegrams.

No. 110.

Legation of the United States,
Tokyo, Japan, July 13, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to enclose herewith the readings of your telegraphic instructions dated respectively June 29th, July 1st and July 8th, 1894, and of my two telegrams to you dated respectively July 3rd and July 10th, 1894.

I have the honor to be,

Sir

Sir,

Your obedient servant,

Edwin Dun

Enclosures:

1. Telegram. Secy of State to Mr. Dun, June 29th
2. " " " " " " July 1st
3. " " " " " " 8th
4. Telegram. Mr. Dun to the Secretary of State, July 2
5. " " " " " " 7th

Enclosure with Mr. Dun's No. 110.

Reading of telegram dated Washington, June 29, 1894, and received at Tokio July 2, 1894.

"Washington , June 29, 1894."

"Dun, Minister, Tokio.

"The United States cherish the most friendly "sentiments toward Japan and Korea and in view of the "helplessness of the latter you will ascertain and report "Japan's reason for sending military force to Korea and "what demands Japan has made on Korea with the reasons "therefor.

"Gresham"

Enclosure 2 with Mr. Dun's No 110.

Reading of telegram dated Washington, July 1, 1894, and received at Tokio July 3, 1894.

"Washington, July 1, 1894."

"Dun Minister, Tokio.

"Should the Japanese government withdraw its "Minister from Peking and ask the good offices of the "United States for the protection of Japanese subjects in "China the request would receive the President's friendly "consideration but it would not be granted without the "assent of China. It is hoped that a rupture may be " averted.

"Gresham."

Enclosure 3 with Mr. Dun's No. 110.

Readind of cypher telegraphic instruction of the Secretary of State, dated Washington July 8th, 1894, received at Tokyo July 9th, 1894.

"Washington, July 8, 1894.

"Dun, Minister, Tokio.

"Your cipher telegram of the 5th(?) "received. The Government of the United States has heard "with sincere regret that although the insurrection has "been suppressed and peace prevails in Korea Japan "refuses to withdraw her troops and demands that radical "changes be made in the domestic administration of "Korea. This demand is the more remarked in view of the "fact that China favors the simultaneous withdrawalof "both the Japanese and Chinese troops. Cherishing sincere "friendship for both Japan and Korea the United States "indulge the hope that Korean independence and sovereignty "respected. You are instructed to say to the Government at "Tokio that the President will be painfully disappointed "should Japan visit upon her feeble and defenseless "neighbor the horrors of an unjust war.

"Gresham."

Enclosure 4 with Mr. Dun's No 110

Reading of telegram transmitted to the Secretary of State on July 3, 1894.

"Tokio, July 3, 1894."

"Gresham, Washington.

" Mr. Mutsu assures me Japanese troops were sent in "the first place to Korea under the Convention Eighty-"two, Foreign Relations Eighty-five, page 343.
"Notice of the despatch of great Chinese forces "necessitated increased Japanese forces to prevent any "recurrence of events of Eighty-two, Eighty-four.
"Rebellion in Korea due to corruption and oppression.
"Japan demands radical administrative reforms to "guarantee peace in future and proposed joint action "with China for that purpose. China refused. In defiance " of China reforms will be carried out by Japan.
"Japan disclaims intention of (the) territorial "aggrandizement. Advances must be made now by China.
"Good offices of the United States in Peking might "reopen negociations or may I offer good offices through "the Chinese Minister here."

"Dun."

Enclosure 5 with Mr. Dun's No 110.

Reading of cypher telegram transmitted to the Secretary of State on July 10th, 1894.

"Tokio, July 10, 1894.

"Gresham, Washington.

Your cipher telegram of the eighth has been "received. Instructions having been carried out Japanese "Government reply as follows: Mission of Japan in Korea "is not to make war but essentially to insure peace, order "good government and independent sovereignty of Korea in "order to prevent recurrence of rebellion. Japan is "desirous of (of) the removal of the causes of "discontent which are official corruption, peculation, "misgovernment. The government of Korea would adopt "reforms recommended but prevented by equivocal attitude "of China which endangers peace of the East. The "insurrection is not entirely quelled and the cause "of it remains. It would be unwise in Japan to withdraw "troops at this moment but they are anxious to do so "when future order is assured. There is no apprehension "of a war with Korea. My opinion is that there is no "probability of a war between Japan and China.

"Dun."

Subject
Aug. 9. 94 ✓

No. 111.

DIPLOMATIC BUREAU.
AUG 8 1894

DEPARTMENT OF STATE
AUG 6 1894
RECEIVED.

Legation of the United States,
Tokyo, Japan, July 13, 1894.

Mr. Dun
to the Secretary of State.

Subject:
Japan's attitude toward Korea.

No. 112.

Legation of the United States,
Tokyo Japan, July 13, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

Your telegram dated June 29th, 1894, enclosure 1 with my No. 109 dated July 13, 1894, directing me to ascertain and report to you Japan's reason for sending troops to Korea, and what answer she has received or Korea and has reply

[illegible]

therefor, was received by
me on the 2nd instant.
I at once sought an inter-
view with Mr. Mutsu,
H. I. J. M's. Minister for
Foreign Affairs, and com-
municated to him the
reading of your telegraphic
instruction to me. I
frankly asked Mr. Mutsu
for the information called
for in your telegram, in
order that I might re-
port it to you. The
substance of the Minister's
reply I had the honor
to convey to you in my
telegram of the 3rd instant.

for

for a reading of which see enclosure 4 in my No. 109 of this date.

The Minister assured me that Japan first sent troops to Korea under the Convention of 1882, and for the purpose of protecting her subjects and interests in that country; that the receipt of information of the intention of China to send a large force of troops to Korea had necessitated an increase of Japanese forces to prevent a possible recurrence of the events of

1882

1882 and 1884, when the
Japanese in Korea were
driven out of the country
in the latter year with
the aid of Chinese soldiers;
and their legation in Seoul
destroyed; that so long as
the conditions that had
caused the present disturb-
ances in Korea existed,
peace in that country could
not be assured; that official
corruption and misgovernment
in Korea were such as
would lead to the com-
plete disorganization of the
government of that country
and, in consequence,

endanger

endanger its sovereignty and independence; that the sovereign independence of Korea was necessary to the welfare of Japan and, in order to insure that sovereignty, Japan desired to effect such administrative reforms in the government of that country as were necessary for the amelioration of the condition of the people and for good government that for the purpose of effecting a reorganization of the Korean Government and carrying out the reforms indicated, Japan had proposed joint action

action with China and had been met with a flat refusal from that country; that thereupon Japan had informed China that she would alone recommend the necessary reforms and reorganization to the Korean government, and intimated that she would brook no interference on the part of China.

Mr. Mutsu further informed me that as China had declined to consider Japan's proposals for an adjustment of the Korean difficulty, it was impossible for his government to make further

advances

advances for an amicable arrangement of the differences now existing between the two countries, but that any proposal for a practical and permanent improvement of the existing deplorable condition of affairs in Korea that China might make would be gladly availed of by Japan as a possible means of arranging present difficulties.

It was this statement of Mr. Mutsu's which induced me to suggest, in the last part of my telegram of the 3rd instant, that the good offices

offices of the United States
or at Tokyo,
ness at Peking might reopen
negociations between the
two countries.

I have the honor to be
Sir,
your obedient Servant,
Edwin Dun

STATE BUREAU
AUG 8 1894

2d ASSISTANT SECRETARY
Ack by mail
AUG 8 1894

No. 112

DEPARTMENT OF STATE
AUG 6 1894
RECEIVED

Legation of the United States,
Tokyo, Japan, July 14, 1894.

Mr Dun
to the Secretary of State.

Subject:
Japan's plans for a reorganization
of the Korean Government.

No. 118.

Legation of the United States,
Tokyo. Japan. July 14, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

On the 9th instant I had the honor to receive your telegram dated July 8th, 1894. See enclosure 3 with my No. 109 of the 18th instant, in the last paragraph of which I am "instructed to say to the "Government at Tokyo that "the President will be painfully disappointed

"disappointed should Japan
"visit upon her feeble and
"defenseless neighbor the
"horrors of an unjust war."

I deemed it my duty to convey your message to the Japanese Government in writing, which I did in a formal note to H. I. J. Mis. Minister for Foreign Affairs dated July 9th, 1894, a copy of which I have the honor to enclose herewith, embodying your telegraphic instruction to me and enclosing a copy of the reading of the same. When the note was prepared I at once called

called upon Mr. Bruton, read to him your telegram, and handed him the formal note.

Late the same evening I received from Mr. Bruton a reply to my note copy of which I have the honor to enclose herewith, defining the position and policy of Japan in regard to Korea. On the 10th instant I had the honor to communicate to you the substance of Mr. Bruton's reply to my note in a telegram of that date, (see enclosure 5 in my

my No. 109.)

As you will please to observe, Mr. Mutsu assures me in his note that Japan's present mission in Korea is not one of war, but essentially in the interest of peace, order and good government; that, instead of wishing to precipitate a war upon her neighbor, she seeks to guard against civil strife and insurrection in the future; and she thinks that desired end may be realized by removing, as far as possible, the active causes of discontent, which are official corruption, peculation, and

and misgovernment; that if the Korean Government were left to their own better judgment, the reforms recommended by Japan would be adopted, but that the anomalous and equivocal attitude of China in Korean affairs has, unhappily, not only delayed any change for the better, but has been a constant source of disquietude and apprehension in eastern Asia.

Mr. Minton also says that in the opinion of his government "it does not only appear that the existing causes

"causes of the disturbance [in
"Korea] had not been extirpated
"but that the insurrection
"itself is not entirely quelled,
"and in view of the uncer-
"tainties of the existing
"situation, the Imperial
"Government are fully
"convinced that they are
"not called upon, nor would
"it be wise, to recall their
"troops at this moment."
He also declares that Japan
"will welcome with pleasure
"the approach of the day
"when the condition of Corea
"is such as to enable them
"to withdraw their last
"soldier"

"soldier from that country."

At the end of my telegram of the 10th instant I ventured to express an opinion that "there is no "probability of a war between Japan and China" I based that opinion on the ground that Japan is now master of the situation in the Korean peninsula; that China has not sufficient available force to dislodge her from that position; that, in case active hostilities should take place between the two countries, the

war

war would practically be decided on the sea. Should Japan be defeated there she would inevitably have to retire from Korea. Should she succeed in destroying the naval force of China the latter country would be powerless to prevent her occupation of Korea. The navies of the two countries are of about equal strength, and, not taking into consideration the superiority in the morale of officers and men that one fleet may have over the other, it would be extremely

hazardous

hazardous
to predict which would be
the victor should they
come to blows. China
has never been an aggressive
power. Her policy has
always been to avoid a
conflict the issue of
which was doubtful.
To free Japan from her present
position she must take the
aggressive. Whereas if Japan
can gain her point, as she
believes she can, by main-
taining that position, it is,
obviously, not her interest
or use to precipitate a war.
I therefore venture the opinion
that, unless some unforeseen
circumstance

circumstance should bring a matters to a crisis a war between the two countries is not probable.

In several interviews I have had with Mr Mutsu relative to the Korean question I have had no reason to doubt his entire sincerity in defining Japan's motives and policy in pursuing the line of action she has taken in that country. Japan views with alarm the possibility of the Korean peninsula being absorbed by one of the great western powers and believes that a continuance of existing conditions

of

of corruption and oppression
in the administration of Korea
must result in the entire
disorganization of the government
of that country and not
only leave Korea a helpless
prey to any power that may
covet her territory, but give
a valid excuse for armed
occupation by such a power
in the name of law, order
and humanity. It is my
opinion that Japan has not
now ulterior designs of territorial
aggrandizement; that her
object is, as stated to me by
Mr. Mutsu, to bring about

such

such reforms in the Korean administration as may lead, not only in name but in fact, to the autonomy and sovereign independence of that country.

While China has always claimed a quasi suzerainty over Korea, Japan thoroughly distrusts, not only the power but also the inclination of that country to intervene for the protection of Korea should such intervention become necessary for the preservation of her independence. Japan believes that the semi-dependence dis-

played

displayed by Korea in her relations with China has been a source of weakness to the former that Chinese influence in the Hermit Kingdom has manifested itself in a tendency to disorganization and deterioration that Korean independence and sovereignty require that the exist dependence upon China should end, and that to obtain the reforms and administrative reorganization necessary for the maintenance of that independence and sovereignty, China retrogressive but now were

shadowing

overshadowing influence in the affairs of Korea should cease.

Japan declares that her present mission in Korea is in the interests of law, order and future peace: the object is to build up; not to destroy. In the task she has undertaken she has doubtless been influenced by the desire to establish a stable government and unquestioned sovereignty to stand as a permanent shield between herself and the too near approach of a powerful neighbor.

Whether or not Japan will

succeed

succeed in accomplishing
the task she has undertaken
time alone can show. She
has committed herself to
the attempt and the restless
and aggressive spirit of her
people will not now
permit the government to
draw back, even should it
desire to do so. The nation
is united to a man in
its support of the government
Korean policy and urges it
on to accomplish that
which it has begun.
Should the Japanese Govern-
ment be induced to with-

draw

withdraw their troops now
in Korea without having
attained some object or
advantage commensurate
with the magnitude and
expense of the expedition,
it would experience a
sentiment of public hos-
tility of a nature so decided
that it could not be
ignored or withstood.

The Japanese Government
cannot now draw back.
They have committed
themselves to a task that
the nation insists shall be
accomplished.

I have the honor to be
Sir

Sir

Your obedient servant,

Edwin Dun

Enclosures:

1. Copy of Mr Duns Note to Min for F.A.

2. Minister for For Affairs reply to Mr Dun

Enclosure 1 with Mr. Dun's No. 112.

Copy.

No. 52. Legation of the United States,.

Tokyo, July 9, 1894.

His Excellency

Mutsu Munemitsu,

His Imperial Japanese Majesty's Minister for Foreign Affairs.

Sir:

I have received this morning from the Secretary of State of the United States a telegraphic instruction, a copy of the reading of which I have the honor to enclose herewith for Your Excellency's information, which says:

"The Government of the United States has heard with "sincere regret that, although the insurrection has "been suppressed, and peace prevails in Korea, Japan "refuses to withdraw her troops and demands that "radical changes be made in the domestic administra- "tion of Korea. This demand is the more remarkable remarked in "view of the fact that China favors the simultane- "ous withdrawal of both the Japanese and Chinese "troops. Cherishing sincere friendship for both "Japan and Korea the United states indulge the hope "that Korean independence and sovereignty will be "respected;" and in which I am instructed to say to Your Excellency's Government "that the President will be "painfully disappointed should Japan visit upon her "feeble and defenseless neighbor the horrors of an "unjust"

"unjust war."

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed.) Edwin Dun.

Enclosure:

Telegraphic instruction of the Secretary of State.

Enclosure 2 with Mr. Dun's No. 112.

Copy.

Department of Foreign Affairs,
Tokio, the 9th day, the 7th month,
the 27th year of Meiji.

His Excellency
Edwin Dun,
Envoy Extraordinary and Minister
Plenipotentiary of the United States of America

Sir:

I have the honor to acknowledge the receipt of Your Excellency's note of this day communicating to me the reading of a telegraphic message received by Your Excellency from the Honorable the Secretary of State of the United States on the subject of Corea.

I hasten to assure Your Excellency in reply that Japan's present mission in Corea is not one of war, but is essentially in the interest of peace, order and good government; and that no step has been taken by them whic which did not respect the independence and sovereignty of the Kingdom.

His Imperial Majesty's Government entertains towards Corea no sentiments inconsistent with peace and they have no apprehensions of a conflict between the two powers. Instead of wishing to precipitate a war upon their neighbor, they seek to guard against civil strife and insurrection in the future, which have in the past been of constant recurrence, and they think that the desired end may be realized by removing, as far as possible, the active cause of discontent which is

official

official corruption, peculation and misgovernment.

The reforms which the Imperial Government have recommended to Corea have for their object an improved administration and a consequent amelioration in the condition of the people and they cannot doubt that if the Corean Government were left to their own better judgment they would adopt those reforms, but the anomalous and equivocal attitude of China in Corean affairs has , unhappily, not only delayed any change for the better, but has been a constant source of disquietude and apprehension in Eastern Asia.

The despatch of Chinese troops to Corea was at the request of the Corean Government and for the purpose of aiding them to suppress the insurrection, while the troops of Japan were despatched by treaty rights, for self protection in Corea. Now China, pretending that the insurrection has been suppressed, proposes simultaneous withdrawal of both Japanese and Chinese troops but since in the opinion of the Imperial Government it does not only appear that the inciting causes of the disturbance have not been extirpated but that the insurrection itself is not yet entirely quelled, and in view of the uncertainties of the existing situation, the Imperial Government are fully convinced that they are not called upon, nor would it be wise, to recall their troops at this moment, but they will welcome with pleasure the approach of the day when the condition of Corea is such as to enable them to withdraw their last soldier from

that

that country.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed.) MUTSU MUNEMITSU,

Minister for Foreign Affairs.

No. 4.

Legation of the United States,

Tokyo, Japan. July 16, 1894.

DEPARTMENT OF STATE
AUG 6 1894
RECEIVED.

Mr. Herod

to the Secretary of State.

Subject:

Account for Salary.

No. #.

Legation of the United States,
Tokyo, Japan, July 16, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to enclose herewith the statement of my account for salary for the quarter ended June 30, 1894.

I have the honor to be,
Sir,
your obedient servant,

Joseph C. Hirod.
2nd Secretary of Legation

Enclosure:
Account for salary as above.

No Dkg

No. 11. Le Telegram to Mr Dun Aug 3.

COPIED. FOREIGN RELATONS.

DEPARTMENT OF STATE
AUG 16 1894
RECEIVED.

Legation of the United States,
Tokyo. Japan. July 23, 1894.

Mr. Dun
to the Secretary of State.

Subject:
China's request that her subjects in Japan receive the protection of the United States in the event of a war between Japan and China.

No. 113.

Legation of the United States,
Tokyo, Japan, July 23, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

On the 19th instant I was visited by Mr. Wong, the Chinese Minister at this Court, and informed by him that negociations for an amicable arrangement of the differences between his government and that of Japan in connection with Korean affairs having

failed

failed, war between the two countries was inevitable, and that he had been instructed by his government to request me, upon the withdrawal of the Chinese Legation from Japan, to take charge of the archives of that Legation and to afford the protection of the United States to such Chinese subjects as should remain in Japanese territory after the commencement of hostilities between the two countries.

I informed Mr. Wong that a similar request had been made of my government by

Japan

Japan in behalf of Japanese subjects in China, and that, doubtless, my government would be willing to use its good offices in Japan for the protection of China's archives and subjects, provided the Japanese government should give its assent to the arrangement. At the same time I took occasion to explain to my colleague the nature of the protection that could be afforded, and, to make this clear to him, referred to Mr. Washburne's action in

Paris

Paris during the Franco-German war of 1870, which had met with the approval of my government.

I informed him that our Consuls could not assume judicial jurisdiction over Chinese subjects in any case, and that the protection would be in the nature of friendly intervention in case such intervention should become necessary to protect his nationals, in person and property, from hardship or harsh treatment.

After my interview with

with Mr. Wong, I at once visited the Foreign Office here and, in the absence of Mr. Mutsu, was received by Mr. Hayashi, Vice Minister for Foreign Affairs. I informed Mr. Hayashi of the conversation I had had with Mr. Wong, and asked him if the Japanese Government would consent to the protection asked for by the Chinese Minister being afforded. Mr. Hayashi replied that his government would be much gratified if the United States would afford the protection asked for by China, particularly

so,

so, as his government would, that day, instruct the Japanese representative at Peking to make a similar request of Mr. Denby, our Chargé d'affaires at that Court, in behalf of Japanese residents in China. Mr. Hayashi further informed me that, in his opinion, war was inevitable, and that hostilities might begin at any moment.

Upon my return from the Foreign Office, I despatched to you my cypher telegram of the 19th instant, the reading of which I have

the

I/ the honor to enclose herewith.

Being ignorant of instructions that you may have sent Mr. Denby relative to our protection of Japanese in China, and in order to prepare him for the request that I knew would be made of him that day, I deemed it prudent to inform him, in advance, of the request that the Japanese representative was instructed to make of him. I therefore despatched to him a cypher telegram, the reading of which I have

the

the honor to enclose herewith. 2/

Since the 19th the situation has not changed materially and, as negociations between Japan and China are not entirely suspended, I am not devoid of the hope of a peaceful settlement of the differences between the two countries.

I have the honor to be,
Sir,
Your obedient servant,
Edwin Dun

Enclosures:
1. Reading of telegram to the Secretary of State, dated July 19.
2. Reading of telegram to Mr. Denby, dated July 19.

Enclosure 1 with Mr. Dun's No. 113.

Reading of a cypher telegram transmitted to the Secretary of State on July 19, 1894.

"Tokio, July 19, 1894.

"Gresham, Washington.

"A war between Japan China seems "inevitable. Chinese Government requests me to take "Chinese in Japan under the protection of the United "States. Japan consents. Will you authorize me to do so. "Denby will be requested to-day by Japanese Government "to protect Japanese in China.

"Dun."

Enclosure 2 with Mr. Dun's No. 113.

Reading of a cypher telegram transmitted to Mr. Denby, Chargé d'Affaires at Peking.

"Tokio, July 19, 1894.

"Denby, American Minister Peking.

"You will be requested to take under the "protection of the United States Japanese in China. Our "government will consent if Chinese government will "consent.

"Dun."

TELEGRAM RECEIVED IN CIPHER.

Read by tel July 26
Read by mail July 30.

From Tokio

July 24, 1894.

Received 9.06. A.M.

JUL 28 1894

Gresham.

Washington.

Japanese Minister at Washington D.C. has been recalled. Kukino has been appointed. Sails for the United States August third. The change is made to facilitate negotiations of the treaty.

Dun.

No. 114.

Legation of the United States.



Tokyo, Japan, July 24, 1894.

Mr. Dun

to the Secretary of State.

Subject:

Duplicate Accounts.

No. 114.

Legation of the United States.
Tokyo, Japan, July 24, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to enclose herewith the duplicate statements 1/ of my accounts for Telegrams, 2/ Passports, Contingent Expenses and 4/ Salary, for quarter ended June 30, 1894.

I have the honor to be

Sir,

Your obedient servant,

Edwin Dun

Enclosures as above.

NL

2D ASSISTANT SECRETARY.
Ack. Treasury already advised. &c, &c.
AUG 17 1894
Acct. Aug. 21 1894
DIPLOMATIC BUREAU
AUG 17 1894

No. 115.

Legation of the United States.

DEPARTMENT OF STATE
AUG 16 1894
RECEIVED.

Tokyo, Japan, July 24, 1894.

DIPLOMATIC BUREAU
AUG 17 1894

Mr. Dun

to the Secretary of State.

Subject:

Mr. Kurino appointed Minister to the United States.

No. 115

Legation of the United States,
Tokyo, Japan, July 24, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

I was visited this morning by Mr. Hayashi, Vice Minister for Foreign Affairs, and informed by him that Mr. Tateno had been recalled, and that Mr. S. Kurino, Chief Commissioner of the Political Bureau of the Foreign Office, here, had been appointed to be Minister

Minister at Washington.

Mr. Hayashi said that Mr. Mutsu would be gratified if I would inform you by telegraph of the recall of Mr. Tateno and the appointment of Mr. Kurino, and say that the change was deemed advisable in order to facilitate the pending negociations for a revision of the existing treaty between the United States and Japan.

In compliance with Mr. Mutsu's request, I had the honor to send you this morning a telegraphic despatch.

the

the reading of which is
herewith enclosed.

Mr. Kurino graduated at
Harvard Law School in 1881.
He is a highly cultured
gentleman of good address
and command of the English
language. Since his return
from the United States he
has been in government service.
appointed a Secretary of the
Foreign Office in 1882; was
transferred to the Department
of Communications in 1887,
and returned to the Foreign
Office in 1891 as Chief of the
Law Bureau. Upon the
reorganization

reorganization of that Depart-
ment he was appointed
Chief Commissioner of the
Political Bureau, which position
he has held up to the
present time. Two years
ago he was sent to Europe
on government business.
Well equipped in legal training
and thoroughly posted in
the economic and political
affairs of his own country,
his experience abroad has
given him a knowledge of
the world and breadth of
view that will be of much
value to him at his new
post of duty.

I

I am confident that Mr. Kurino will not only prove persona grata to my government, but will be much valued by all that may have the good fortune of his acquaintance.

Mr. Kurino will sail for San Francisco on the "China" advertised to sail from Yokohama August 3rd. I have the honor to request that the Customs Authorities at San Francisco may be instructed to extend to him the usual courtesies upon his arrival at that port.

I have the honor to be,

Sir

Sir,

Your obedient servant,

Edwin Dun

Enclosure:

Reading of a cypher telegram of July 24th.

Enclosure with Mr. Dun's No. 115.

Reading of a cypher telegram transmitted to the Secretary of State on July 24, 1894.

"Tokio, July 24, 1894.

"Gresham, Washington.

"Mr. Tateno at Washington has been "recalled. Kurino has been appointed. Sails for the United "States August third. The change is made to facilitate "the negociation of the treaty.

"Dun."

DIPLOMATIC BUREAU
AUG 16 1894
Secretary of State
AUG 16 1894
DEPARTMENT OF STATE
AUG 16 1894
RECEIVED

No. 11 Yaeki subject Aug 17. 94

Legation of the United States,
Tokyo, Japan, July 24, 1894.

Mr. Dun
to the Secretary of State.

Subject:
Japan's desires for a revision of
the existing treaty between
the United States and Japan.

No. 116.

Legation of the United States,
Tokyo. Japan. July 24, 1894.

Honorable W. Q. Gresham.
Secretary of State.
Washington, D. C.

Sir:

I have the honor to acknowledge the receipt of your instruction No. 66, of date June 11th. 1894, relative to the proposals which Japan desires to submit to the United States for a revision of the existing treaty between the two countries, and acquainting me with your views

views in regard to the draft of the proposed treaty submitted to you, and pointing out clearly the objectionable features of that draft, and authorizing me to confer with Mr. Mutsu in regard to the provisions in the draft relating to unrestricted immigration and rights of residence, property and privileges.

I confidentially handed Mr. Mutsu a copy of your instruction, and have had several interviews with him during which the objectionable features to which you call attention have been freely discussed. Inasmuch as

Mr.

Mr. Kurino will arrive in Washington within ten days after this despatch, and will carry with him full powers to negociate with the United States for a revision of the present treaty, and be fully instructed in regard to the changes and modifications of the Anglo-Japanese draft which Japan is prepared to submit to you for consideration, it would be, perhaps, premature and uncalled for in me to attempt to outline, in advance of Mr. Kurino's arrival, the modifications that Japan is prepared

prepared to suggest. I will say, however, that Mr. Mutou expressed the belief that the objectionable features of the draft submitted to you could be satisfactorily arranged without difficulty.

He said that Japan would be willing to add a clause to the proposed new treaty with the United States to the effect that no provision in that treaty should, in any way, interfere with, or restrict, the laws or regulations of either country now in force, or that may hereafter be enacted, relating to laborers or labor immigration.

As

As there is no possibility of labor emigration from the United States to Japan, a clause of this kind would seem to be entirely in our favor, and possibly eliminate the objectionable features of the provisions referred to.

As Japan does not propose to grant to foreigners the right to own real estate, there can be no objection to our own Federal and State laws, in regard to aliens, governing the property rights of Japanese in the United States.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

No. #

Legation of the United States,

Tokyo, Japan, July 24, 1894.

DEPARTMENT OF STATE
AUG 16
RECEIVED.

Mr. Herod

to the Secretary of State.

Subject:

Account for Salary.

No. #

Legation of the United States,
Tokyo, Japan, July 24, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to enclose herewith the duplicate statement of my account for salary for the quarter ended June 30, 1894.

I have the honor to be,
Sir,
Your obedient servant,

Joseph R. Hood
2nd Secretary of Legation.

T. H.

Enclosure:
Dup. Acct for Salary.

TELEGRAM RECEIVED. Cypher

From Tokio

July 25, 1894.

Received M.

Gresham

Washington.

Chinese Government is very anxious that you authorize me to protect subjects of China in case of war.

We are not asked to assume jurisdiction; only our good offices earnestly desired.

Dun.

2D ASSISTANT SECRETARY.
Ack by subject & file.
aad
AUG 25 1894

No. 117.

DEPARTMENT OF STATE
AUG 24 1894
RECEIVED.

Legation of the United States,
Tokyo, Japan, July 27, 1894.

Ack aug 30. 1894

Mr. Dun

to the Secretary of State.

Subject:

Correspondence between the Legations at Tokyo and Seoul, Korea, relative to an alleged assault committed by Japanese soldiers on the British Consul General at Seoul.

No. 117.

Legation of the United States,

Tokyo Japan July 27, 1894.

Honorable W. Q. Gresham,

Secretary of State,

Washington, D. C.

Sir

I have the honor to enclose herewith copy of correspondence 1/ between John M. B. Sill, Esquire, United States Minister to Korea 2/ and myself relative to an alleged assault upon Dr. C. T. Gardner, U. S. Vice Acting Consul General at Seoul.

As you will perceive there

Mr

Mr. Sill suggests that I present the correspondence in the matter, together with such suggestions as I may see fit to make, to H. I. J. M's. Government, and that, in reply to Mr. Sill, I state that, in my opinion, Mr. Gardner being a British subject, it would not be within my province, and, therefore improper for me to make any representation whatever to the Japanese Government relative to the matter, or to take any official notice of it.

I have the honor to be

Sir

No. 2.

Sir

your obedient servant.

Edwin Dunn

Enclosures

1. Mr. Sill to Mr. Dunn.

2. Mr. Dunn to Mr. Sill.

Enclosure 1 with Mr. Dun's No. 117

Copy.

No. 19, L.& C.

Legation of the United States,
Seoul, Korea, July 19, 1894.

The Honorable Edwin Dun,
United States Minister,
Tokio.

Sir:

I have the honor to acknowledge the receipt of your letter of the 5th inst. enclosing your No. 106, June 29, (copy), to Washington, and to thank you most sincerely for the same.

Since my last writing the chief occurence of importance has been the presentation of a set of demands, or suggestions for reforms, by Mr. Otori. I enclose a copy. It is supposed that upon these demands that H. B. M's. Consul here wired his government in London that Otori had demanded the dismissal of English naval instructors. (See 1/. 4 B.) Mr Otori denies having made any such demand and insists on Mr. Gardner's immediate and unqualified denial of the charge.

Mr. Yuan has left for China very suddenly. All Chinese merchants have left here and we expect Chinese troops to arrive in a few days.

The "Monocacy" and "Baltimore" are at Chemulpo. Arrangements have been made for sending a guard to this Legation and I think I may have to send for them at any

hour

hour as it is quite evident that there is some cause for the fears of the King that he is to be taken prisoner by the Japanese. I have promised him asylum if he comes here asking it;; and I understand he will do so.

I have to address you especially inregard to an assault made upon H. B. M's. Representative here by Japanese soldiers, on Sunday the 15th inst., when he was walking with his wife, his secretary and his friend, J. McLeavy Brown, Commissioner of Customs.

On yesterday a meeting of the Foreign Representatives was held at my office to confer concerning this matter. There were present C. Waeber, H. I. R. M's. Chargé d d'Affaires, F. Krien, Consul of the German Empire, G. Lefevre of the commisariat of France, The Chinese , Japanese and English Representatives were not present for obvious reasons.

After extended and careful consideration of the subject under consideration, it was unanimously agreed that we should each communicate to the representative of his government at Tokyo, a copy of Mr. Gardner's notice to Mr. Otori of the assault by Japanese soldiers, and Mr. Otori's extraordinary replies, adding such explanation and comment as each should deem pertinent and proper, and submitting to such representative that the matter under discussion , together with the correspondens mentioned above, should be brought to the attention of the Japanese government, to the end that other Foreign Representatives in Seoul should be safe guarded by said government from similar indignities. Therefore I send you enclosed copies of this correspondence.

As to Mr. Otori's first reply, dated July 15, I submit whether the expression 'said to have been made' is reasonably courteous? Whether it does not gratuitously start an issue of veracity? Whether it is not an obvious sneer inconsistent with diplomatic courtesy? And notably whether it does not precast the attempt to impugn my colleague's truthfulness, and indicate, in advance, unfairness in the promised investigation? I also submit whether the absence of any expression of regret by, or even interest in, the rudeness of his soldiers to a most estimable and highly respected lady, is not in itself extraordinary and unworthy of the representative of a gallant and chivalrous nation?

As to Mr. Otori's second letter which encludes the report of General Oshima, I note that Mr. Otori repeats the sneer contained in the words 'said to have been made'. Also that Mr. Otori, by quoting in such connection General Oshima's oral statement, assumes the responsibility of denying with officious emphasis Mr. Gardner's statement that he was beaten with fists. And he also assumes the responsibility of denying the blocking of the passage, of rude crowding upon the lady, and the pushing of her chair into the ditch. This he does upon an investigation whose fairness can be judged by the fact that, upon a matter so important, he did not call a single witness upon my side although there were many [illegible]

McLeavy Brown, whom Mr Gardner mentions in his first letter as being present at the second assault. If Mr. Brown had been called to testify he would have shown beyond all doubt that the second assault was upon an open public road; that the lady was pushed upon by a swiftly concentering crowd of Japanese soldiers; that she was in an open chair; and that she and her bearers were "hustled" into the ditch. Why Mr. Brown was not asked to testify I do not know, but certainly it was not because Mr. Otori was not aware that the facts were in Mi his possession, since Mr. Gardner's first letter names him as present.

In conclusion I submit to your judgment whether or not the enclosed correspondence, with such comment as your wisdom may suggest, should be submitted to the Japanese Government.

I am, Sir,

Your obedient servant,

(Signed.) John M. B. Sill.

Enclosures:

1. Reform proposals of Mr. Otori.

2. Garner-Otori correspondence.

With Enc. 1, with Mr. Dun's No. 117.

Copy.

Seoul, July 15, 1894.

Sir:

I have the honor to inform you that this afternoon I went for a walk a little to the right of Yang-Wha-Chin road with my wife, Mr. Brown and my secretary, Mr. Fox.

When Mr. Fox and I were in front, on a public path, we were assaulted by some Japanese in military uniform. One person spoke a little French and asked our names. I demanded his name, and he gave it as "Son Lieutenant T. Ishido", I then gave him my name and title in English and Chinese, writing them down with a protest that I yielded to force majeure. After giving my name and title without the slightest provocation, and though I stated I would yield to force majeure and do what was wished, we were dragged about fifty yards and I was all the time being struck with the fists by Japanese wearing military uniform.

I was then let goand joined my wife and Mr. Brown. About a quarter of an hour afterwards I was on my way home along a public road when a quantity of Japanese dressed in military uniform rushed forward, blocked the public way and stopped us, and again demanded my name. I recognized some of them as some of the men who had previously assaulted me. I againyielded to force majeure

and

and again gave my name, but in spite of that Mrs Gardner was hustled andher chair pushed from the road into the ditch.

I have the honor etc.,

(Signed) C. T. Gardner,

H. M. Acting Consul-General.

His Excellency

K. Otori,

Japanese Minister,

&c, &c, &c,

Seoul.

Enclosure with Mr. Dun's Enclosure 1 with No. 117.

Copy.

Seoul, July 15, 1894.

Sir:

Referring to your note of to-day's date respecting the assault said to have been made against you and some others by some Japanese in military uniform, I have the honor to assure you in the first instance that I have taken immediate steps to investigate the case.

I have the honor etc.,

(Signed.) K. Otori

C. T. Gardner, C. M. G.;

H. B. M. Acting Consul-General.

With Enc. 1 with Mr. Dun's No. 117.

Copy.

H. I. J. M's. Legation,

Seoul, July 17, 1894.

Sir:

In reply to your note of the 15th instant, about the matter of an assault said to have beencommitted by some Japanese in military uniform against you, your wife and two other gentlemen, I have the honor to forward you herewith the translation of the report sent me in answer to my inquiry by General Oshima, in command of the Japanese Armies in Korea.

He added, in sending that report to me, that there was no semblance of any fact that the Japanese soldiers struck any foreigners with the fist, that they have blocked the passage on the public way, or that a lady wa was ever hustled, or her chair pushed from the road into the ditch. In fact, no lady was percieved by the soldiers.

Ihave the honor etc.,

(Signed) K. Otori.

C. T. Gardner, Esq., C. M. G.,

H. B. M's. Acting Consul General,

Seoul.

With Enc. 1 with Mr. Dun's No. 117.

Copy of a translation.

Report of General Oshima to Mr. Otori, in regard to the complaint of Mr. Gardner, British Acting Consul- General at Seoul.

About six o'clock in the afternoon of the 15th instant, the sentinel posted near the river, at about 100 yards from the public road on the west side of Ahen village, noticed two foreigners marching toward him from the public road, across the field to the southeasterly direction. The sentinel of the name of M. Maitashi, told them to stop and showed by gesture. But as the foreigners proceeded in spite of the remonstrances of the sentinel, seemingly to say that they did not understand Japanese, the latter barred them with a rifle in hand, at the same time reporting the matter to the tent. Meanwhile the foreigners forced aside the sentinel and entered into the bivouac. Seeing what was going on there, Corporals Asoda, Mashara, and Adochi also came to stop them, but they forced in. When these foreigners got into the bivouac they were again told by a sentinel that they were not allowed to be there, but they, maybe, perhaps, because they could not understand what the sentinel said, behaved in a heedless manner without paying the slightest attention to the remonstrance. Lieutenant Gato then ran up them from the tent and asked them why they had entered into the bivouac. They said that they were taking a walk. Then the officer told them that no one was allowed to enter into the bivouac and asked them to go away at once. The foreigners

foreigners yet refused to listen. Thereupon came Sub-Lieutenant Tshido and sergeant Tshii, who, with Lieut. Gato, made all possible efforts by words and gesture to tell the foreigners to go away. At last the foreigners were led out of the bivouac by a guide, after having given the name hereto affixed.

"My name is Chr. T. Gardner, C. M. G.

"H. M's. Consul General, Seoul."

Enclosure 2 with Mr. Dun's No. 117.

Copy.

No. 79.

Legation of the United States,

Tokyo, Japan, July 27, 1894.

Hon. John M. B. Sill,

United States Minister,

Seoul.

Sir:

I beg to acknowledge with thanks the receipt of your interesting letter of date the 19th instant, and in particular to thank you for the translation of the suggestions proposed by Japan to Korea for reforms in theadministration of the government of the latter.

In regard to the reported assault upon Mr. Gardner, it would seem that ,as he is a British subject, it is a matter that concerns the British and Japanese authorities only, and is for those authorities to arrange. In my opinion, it would not be within my province, and would, therefore, be improper for me to make any representation whatever to the Japanese Government relative to the matter, or to take any official notice of it.

Mr. Gardner complains of rudeness and assault committed upon him and party by Japanese soldiers. General Oshima, in his official report of the incident to Minister Otori, emphatically denies the statements made by Mr. Gardner. It would certainly be impertinent for me to attempt to determine upon a question of

veracity

veracity in the two statements or to, in any way, officially criticise the manner in which Minister Otori has seen fit to express himself in a written communication to a British official.

I remain, my dear sir,

Very respectfully,

Your obedient servant,

(Signed) Edwin Dun.

Confmd Aug. 1. 1894.

TELEGRAM RECEIVED. Cipher

Secretary of State. JUL. 31 1894

3RD ASSISTANT SECRETARY. Confirm & file JUL 31 1894

From Tokio

July 29, 1894.

DIPLOMATIC BUREAU AUG 1 1894

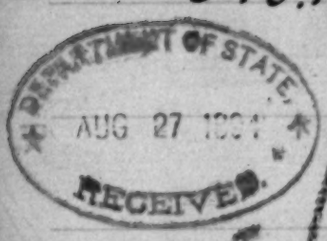
Received July 31, 9 a.m.

Gresham
Washington.

Japanese Minister for Foreign Affairs requests me to say Kurino's knowledge of English, familiarity with history of Treaty Revision and the views of the Japanese Government will, in their opinion, facilitate negotiations.

Dun.

No. 118



Legation of the United States,
Tokyo, Japan, July 31, 1894.

Ack'd
31st Aug. 94. M

Mr. Dun
to the Secretary of State.

Subject:
Negociations between Japan and China have been broken off.

No. 118.

Legation of the United States.

Tokyo, Japan, July 31, 1894.

Honorable W. Q. Gresham,

Secretary of State.

Washington, D. C.

Sir:

I have the honor to enclose herewith copy of an interesting and important communication from H. E. J. Minister for Foreign Affairs, of date the 28th instant, informing me that the Tai-wen-kun, father of the King of Korea, had been

charged

charged with the supreme direction of the administration of that country; that the Japanese Minister, Mr. Otori, having been summoned to the Palace, was informed by the Tai-In-Kun that he would be consulted upon all questions of reform; that all corrupt members of the Korean government had been dispelled from their posts; and that the reforms recommended by Japan were actually being inaugurated; that there is now every prospect that the desired improvement

improvement in the Korean administration will be introduced by the will of the King and the efforts of the Tai-In-Kun; that the question of Korean independence need not, at this time be discussed, and that since the Japanese government will find it possible to adjust directly with Korea the question of parity of treatment with Chinese in all that concerns the political and commercial relations of the two countries, that subject

does

does not demand. present considerations, and that, therefore, the Japanese Government are no longer called upon to await the Concurrence of China in its representations. Hence that the Japanese government have ascertained that China have despatched a large body of troops overland as a hostile demonstration against both Japan and Korea; that third troops actually crossed the frontier on July 28th, showing that China's apparent willingness to listen to

the

the friendly counsels of foreign powers was merely a subterfuge to gain time and finish warlike preparations that this motive was made more apparent by the recent information that Japanese war vessels had been fired upon near Gaza, that in view of the situation, the Japanese government were compelled to withdraw the proposals which, at the suggestions of friendly powers, they had made to China that it is a source of profound regret

regret to Japan that she should thus be obliged, by the attitude of China, to render abortive the conciliatory efforts of the friendly powers.

The note of the Minister for Foreign Affairs under review defining Japan's position in Korea and declaring that negotiations with China have terminated, can only be interpreted to mean that the peaceful relations of Japan and China are at an end.

In a later despatch, by the same mail that carries this, I shall endeavor to advise you fully of

of the situation up to the time of the last writing.

I have the honor to be Sir, your obedient servant.

Edwin Dun

Enclosures

Copy of note of Min. for Fo. Affs to Mr. Dun.

Enclosure with Mr. Dun's No. 118.

Copy.

Translation.

No. 57.

The Gwaimusho,

Tokio, July 28th, 1894.

His Excellency

Edwin Dun,

Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

Sir:

I hasten to announce to Your Excellency that His Imperial Majesty's Representative at Seoul reports that the Tai- In- Kun, the father of the King, has been charged with the supreme direction of the Administration of the Kingdom and that the work of reform has also been confidedto the same hands.

Mr. Otori was summoned to the Palace by a Royal Message and he was there assured by the Tai- In- Kun that he, the Tai- In Kun, would consult him upon all questions of reform. It would appear that all corrupt members of the Korean Government have been expelled from their posts and that the reforms which the Imperial Government have ardently desired from the first are actually being inaugurated.

His Imperial Majesty's Government were anxious to undertake the work of reformation in conjunction with

China

China and with that object in view made repeated overtures to her undeterred by repeated rejections.

There now happily exists every prospect that the desired improvements will be introduced by the Will of His Majesty and the efforts of the Tai- In- Kun.

The question of Corea's independence is one which for the moment need not be discussed and since the Imperial Government will find it possible to adjust directly with Korea, the question of parity of treatment with China in all that concerns the commercial and political relations of the two countries, that subject does not demand present consideration. The Goernment of His Majesty the Emperor therefore are no longer called upon to await the concurrence of China.

The Imperial Government have ascertained from the most reliable source that China has despatched a large body of troops overland as a hostile demonstration against both Japan and Corea and that those troops actually crossed the Corean frontier on the 25th July. China's apparent willingness to listen to the friendly counsels of Foreign Powers was, therefore, nothing more than an indirect and disloyal measure for gaining time to push on warlike preparation. This unworthy subterfuge is, moreover, exposed by the recent news to the effect that Japanese men-of-war have been fired on near Gasan.

In

In this situation the Imperial Government are compelled to withdraw the proposals which, at the suggestion of the friendly Powers, they made to China.

In presenting these considerations to Your Excellcy's enlightened and impartial a preciation, I beg to assure Your Excellency that it is a s ource of profound regret to the Imperial Government that they should thus be obliged, by the unreasoning and unreasonable obstinacy of China, to render abortive the conciliatory efforts of the friendly Powers. Nevertheless the inclinations of His Imperial Majesty's Government are always pacific and they will at all times be ready to listen to peaceful proposals not incompatible with the actual conditions of affairs and the honor and dignity of the Empire.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed) Mutsu Munemitsu,

Minister for Foreign Affairs.

Archive No. Rule

No. 119.

DIPLOMATIC BUREAU.
AUG 24 1894

DEPARTMENT OF STATE.
AUG 24 1894
RECEIVED.

Legation of the United States,
Tokyo, Japan, July 31, 1894.

Mr. Dun
to the Secretary of State,

Subject:
Readings of cypher telegrams.

No. 119.

Legation of the United States,
Tokyo, Japan, July 31/1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to enclose herewith the readings of telegraphic instructions received from you marked enclosures 1, 2. and 3; and of my telegraphic despatches to you marked enclosures 4, 5, and 6.

1. 2. 3.

4. 5. 6.

I

I have the honor to be,

Sir,

Your obedient & servant,

Edwin Dun

Enclosures:

1. Telegraphic despatch dated Yokohama, July 27

2. [illegible] 27

3. [illegible] 29

4. Telegraphic despatch dated Tokio, July 26.

5. [illegible] 28

6. [illegible]

Enclosure 1 with Mr. Dun's No. 119.

Reading of a cypher telegram from the Secretary of State received at Tokyo July 28,1894 , 1:15 P. M.

"Washington, July 27, 1894, 2:50 A. M.

"Dun, Minister, Tokio.

"Mr. Tateno has persistently urged "Treaty Revision. No one could have more faithfully "or efficiently represented Japan here. This despatch is "sent without Mr. Tateno's knowledge.

"Gresham."

Enclosure 2 with Mr. Dun's No. 119.

Reading of a cypher telegram from the Secretary of State received at Tokyo, July 30, 1894, 3:55 A. M.

"Washington, July 27, 1894, 12:50 A. M

"Dun, Minister, Tokio.

"Japan acceding you may act as "custodian Chinese Legation and afford friendly offices "for protection Chinese subjects in Japan either directly "or through Consuls acting under your instructions but you "will not represent China diplomatically.

"Gresham."

2

Enclosure 3 with Mr. Dun's No.119.

Reading of a cypher telegram from the Secretary of State received at Tokyo July 30, 1894, 11:23 A. M.

"Washington, July 29,1894, 9:20 P. M

"Dun, Minister, Tokio.

"Have you received my instruction "of the twenty sixth instant. Has Japan declared war or "commenced war.

"Gresham."

29

Enclosure 4 with Mr. Dun's No. 119.

Reading of a cypher telegram to the Secretary of State:

"Tokio, July25, 1894.

"Gresham, Washington.

"Chinese Government are very "anxious that you authorize me to protect subjects of "China in case of war. We are not asked to assume "jurisdiction only our good offices earnestly desired.

"Dun."

Enclosure 5 with Mr. Dun's No. 119.

Reading of a cypher telegram to the Secretary of State dated Tokyo July 28, 1894.

"Tokio, July 28, 1894.

"Gresham, Washington.

"Japanese Minister for Foreign "Affairs requests me to say Kurino's knowledge of English "familiarity with history of treaty revision and the views "of the Japanese Government will in their opinion facili- "tate negociations.

"Dun."

Enclosure 6 with Mr. Dun's No. 119.

Readingof a cypher telegram to the Secretary of State dated Tokio July 30, L894:

"TOKIO, July 30, 1894.

"Gresham, Washington.

"Have not receive a telegram dated "the twenty-six. Two have been received dated very "early twenty-seventh. No declaration of war but a state "of war exists. Severe naval engagement off Korea "twenty-five instant. Japanese victorious. It is claimed "by the Japanese Government hostilities was (were) "commenced by the Chinese. Fighting in Korea is "reported. Telegraphic communication interrupted. "Peace is now hopeless.

"Dun."

Ack. by mail per.

COPIED. FOREIGN RELATONS.
DIPLOMATIC BUREAU.
AUG 30 1894

No. 120.

DEPARTMENT OF STATE
AUG 27 1894
RECEIVED.

Legation of the United States,
Tokyo. Japan. July 31, 1894.

Ack.
1st Dept. Gr. M

Mr. Dun

to the Secretary of State.

Subject:

Instruction issued to the United States Consuls in Japan to use their good offices to protect Chinese subjects in Japan in case of war between China and Japan.

No. 120.

Legation of the United States.

Tokyo. Japan. July 31, 1894.

Honorable W. Q. Gresham,

Secretary of State,

Washington, D. C.

Sir:

I have the honor to enclose herewith copy of an instruction, dated July 30. 1894, which I have sent to the Consul General of the United States at Kanagawa for his guidance and that of the United States Consuls at Osaka

and

and Hyogo and at Nagasaki
in the event of a war
between Japan and China.

I have the honor to be,

Sir,

Your obedient Servant.

Edwin Dun

Melbourne

Copy of instruction as above.

Enclosure with Mr. Dun's No.120.

Copy.

No.80. Legation of the United States,

Tokyo, July 30, 1894.

N. W. McIvor, Esq.,

United States Consul General,

Kanagawa, (Yokohama).

Sir:

This Legation, acting under the authority of the Department of State, and with the assent of His Imperial Japanese Majesty's Government, will, in the event of war between the Empire of Japan and that of China, take under its protection all subjects of the Chinese Empire residing in Japanese territory.

Under the circumstances, and in the event of war, it will be the duty of the Consular Agents of the United States in Japan to give every proper assistance and protection, consistent with the functions with which they have been charged, and the proper discharge of their own duties, to Chinese subjects residing within their jurisdictions, but they are not authorized, in any case, to exercise jurisdiction in their judicial capacities over Chinese subjects.

Should the business of the Chinese Consulates at the open ports require it, a clerk, or clerks, should be furnished the United States Consulate General and Consulates by the Chinese authorities to perform the clerical

work

work connected therewith, and to act under your direction and that of the Consuls. If requested to do so, you and the Consuls at Hyogo and Nagasaki will take charge of the archives of the Chinese Consulates at your respective ports.

The form of your signatures to any certificate issued under this instruction should be as follows:

"Consul General- or Consul- of the United States in
"charge of the affairs of the subjects of the
"Chinese Empire at (name of port)."

You will please communicate this instruction to the United States Consuls at Hyogo and Nagasaki.

In the event of war I shall at once notify you of the fact by telegraph.

I am, Sir,

Your obedient servant,

(Signed) Edwin Dun.

TELEGRAM RECEIVED IN CIPHER.

From Tokio

Aug 1, 1894.

Received 2.20P.M.

DIPLOMATIC BUREAU
AUG 4 1894

Gresham,

Washington.

Copied Aug 4/94

Have not received a telegram dated the 26th; two have been received dated very early 27th. No declaration of war but state of war exists. Severe naval engagement off Korea 25th instant. Japanese victorious. It is claimed by the Japanese Government hostilities was commenced by the Chinese. Fighting in Korea is reported. Telegraphic communication interrupted. Peace is now hopeless.

Dun.

TELEGRAM RECEIVED IN CIPHER.

From Tokio,

August 2, 1894.

DIPLOMATIC BUR
AUG 4 1894

Conf. Aug. 4/94

Gresham,

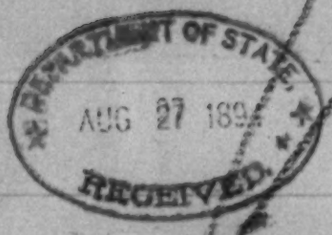
Washington.

Formal notice has been given by the Japanese Minister for Foreign Affairs of the existance of war with China.

Dun

COPIED. FOREIGN RELATONS.

No 121.



Legation of the United States
Tōkyō, Japan, August 2nd 1894.

Rec'd
31 Aug. 94.

Mr. Dun.

To the Secretary of State.

Subject.

Notification by Japanese Government of
State of war between Japan and China,
U.S. Legation assumes charge of Archives
of Chinese Legation and protection of Chinese
subjects.

the Chinese Legation, had instructed
the United States Agents in Japan
to take under their protection
such Chinese subjects as continued
to reside in Japan during the war,
and requesting police protection
for the Chinese Legation property
and buildings in Tokio.

I have the honor to be,

Sir,

Your obedient servant

Edwin Dun

Enclosures:-

(1) Mr. Mutsu to Mr. Dun, July 31/94

(2) Mr. Dun to Mr. Mutsu, Aug. 1, 1894.

Enclosure No. 1 with Mr. Dun's No. 121.

Mr. Mutsu to Mr. Dun. Received Aug. 1st 1894.

(Translation) Department of Foreign

No. 27. Affairs, July 31st, 1894.

His Excellency,

Edwin Dun,

Envoy Extraordinary and Minister Plenipotentiary

of the United States of America.

Sir :

The Imperial Government having exhausted every honorable means to bring about a just and lasting settlement of the difficulties existing between Japan and China and those efforts having proved wholly unavailing, the undersigned has the honor, in fulfilment of the duty devolving upon him, to announce to His Excellency the American Minister that a state of war exists between Japan and China.

The undersigned avails himself of this occasion to renew to His Excellency the assurances of his highest consideration.

(signed) Mutsu Munemitsu,

Minister for Foreign Affairs.

18 6 98

Enclosure 2 with Mr. Dun's No. 121.

Mr. Dun to Mr. Mutsu.

Copy.

Legation of the United States,

Tokio Japan, August 1, 1894.

His Excellency,

Mutsu Munemitsu,

His Imperial Japanese Majesty's Minister

for Foreign Affairs.

Sir:-

I have the honor to acknowledge the receipt of Your Excellency's note of Yesterday's date, announcing to me that a state of war exists between Japan and China.

I have the honor to inform Your Excellency that I have received and will retain in my custody the archives of the Chinese Legation at Tokio, and have instructed the Consuls of the United States in Japan to take under their protection during the war, such Chinese subjects as may continue to reside within this Empire.

I have the honor to request that the Police authorities may be instructed to furnish a sufficient guard to protect the buildings and property of the Chinese Legation from injury by evil disposed persons.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

Edwin Dun.

Inclosure to Dispatch No 122

DEPARTMENT OF STATE
AUG 24 1894
RECEIVED.

DIPLOMATIC BUREAU
AUG 24 1894

Legation of the United States,
Tokyō, Japan, August 2nd 1894.

Mr. Dun,

To the Secretary of State

Subject.

Confirming telegram of Aug 1st 1894
Notice of Existence of war between
Japan and China.

No 122.

Legation of the United States
Tōkyō Japan, August 2nd 1894.

Honorable W. Q. Gresham,
Secretary of State
Washington, D.C.

Sir:

I have the honor to enclose herewith the reading of my cipher telegram to you of date August 1, 1894.

I have the honor to be
Sir
Your obedient servant.
Edwin Dun

Enclosure:
Copy of cipher telegram, Aug/94.

Enclosure with Mr. Dun's No. 122.

Copy of Telegram from Mr. Dun to the Secretary of State

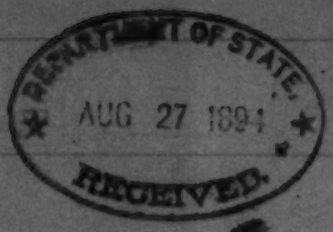
Tokyo, Japan, August 1st 1894.

Gresham

Washington.

Formal notice has been given by the Japanese Minister for Foreign Affairs of the existence of War with China. Dun.

No 123. Ack



Legation of the United States
Tōkyō, Japan, Aug. 2nd 1894.

Ack. 31 Aug. '94. M

Mr. Dun

To the Secretary of State

Subject.

Notification of existence of war between China and Japan to U.S. Consul General, Kanagawa.

to act upon my instructions to him, of date July 20th 1894, and requesting him to instruct the United States Consuls at Otaka and Hagasaki to the same effect.

I have the honor to be,

Sir,

Your obedient servant

Edwin Dun

Enclosures:-

(1) Telegram (Copy) Aug 4, 1894

(2) Copy of instruction, Aug 11, 1894

Enclosure No. 1 with Mr. Dun's No. 123.

Copy of telegram from Mr. Dun to the U. S. Consul-General Kanagawa (Yokohama).

Tokyo, August, 1st, 1894.

United States Consul-General,

Yokohama.

Japanese Government notifies me state of war exists. You will act on instruction number eighty of July thirtieth.

Dun, Minister.

Enclosure 2 with Mr. Dun's No. 123.

Mr. Dun to Mr. McIvor.

Legation of the United States,

Tokio, August 1, 1894.

N. W. McIvor Esq,

United States Consul General

Kanagawa (Yokohama).

Sir:-

I enclose herewith for your information copy of a note of yesterday's date from H.I.J.M's Minister for Foreign Affairs, announcing to me the existence of a state of war between Japan and China.

In consequence of this communication I telegraphed you this morning as follows:-

" Japanese Government notifies me state of war exists. "You will act on instruction number eighty of July thirti- "eth."

I have to request that you will at once instruct the United States Consuls at Osaka and Hiogo and at Nagasaki to act upon my instruction No. 80 of date July 30, 1894.

I am, Sir,

Your obedient servant,

Edwin Dun.

COPIED. FOREIGN RELATONS.

No. 124. Ack.

Legation of the United States

Tōkyō, Japan, August 2nd 1894.

DEPARTMENT OF STATE
AUG 27 1894
RECEIVED.

Rec'd 31st Aug. 94.

Mr. Dun

To the Secretary of State.

Subject.

Recall of Chinese Minister. U.S. Legation in Japan requested to take charge of Archives and protect Citizens of China in Japan.

No. 126.

Legation of the United States,

Tōkyō, Japan, August 2[illegible], 1876.

Hamilton Fish,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to inclose herewith a

1 / translation of a note dated July [illegible], 1876, from Mr. Li Hung, Chinese Minister to Japan, and my reply thereto, informing me that owing to certain hostilities between China and Japan, he will soon be called by his Government, and requesting me to take charge of the Archives of his Legation and to instruct the United States Consuls in Japan

2 /

to

to assume protection of his
National residence in the
country.

In this connection Mr. Wang
requested me to convey a personal
interview I had with Lord Salisbury
to express to my Government
the grateful thanks and the
high appreciation of China
for the friendly action of
the United States in instructing
their Consular officers for the
protection of his Nationals.

I have &c. &c. &c.

Your obedient servant,

Edwin Dun

Enclosures:-

(1) Mr. Wang to Mr. Dun July 31/94

(2) Mr. Dun to Mr. Wang, Aug 1/94.

Enclosure No. 1 with Mr. Dun's No. 124.

Mr. Wong to Mr. Dun. (Copy)

Chinese Legation

July 31st, 1894.

My dear Colleague,

Having been recalled by our Government on account of active hostilities commenced by Japan against China, and in conformity with the arrangement kindly assented to by Your Excellency's Government, I beg now to hand over herewith two chests of our archives and two policies of fire insurance of this Legation and request that Your Excellency will be so good as to assume at once protection over the Chinese subjects resident in this country and to at once instruct the consuls of United States at the various ports to the same effect.

I take advantage of this occasion to offer to Your Excellency my gratitude for the kind offices of you and the consuls under your instruction.

I am,

My dear Colleague,

Your obedient servant

(sgd) Wong Fong Tsao

Minister of China.

His Excellency,

Edwin Dun,

Minister of the United States.

Enclosure No. 2 with Mr. Dun's No. 124.

Mr. Dun to Mr. Wong (Copy).

Legation of the United States

Tokyo, August 1st 1894.

My dear Colleague :

I beg to acknowledge the receipt of Your Excellency's letter of yesterday's date informing me that owing to the existence of active hostilities between China and Japan you had been recalled by your Government, I also beg to acknowledge receipt of two chests of archives of your Legation and of two fire insurance policies

Having already instructed the United States consuls in Japan to assume the protection of your nationals in the event of war I have this day notified them of the existence of a state of war between Japan and China.

I remain,

My dear Colleague,

Your obedient servant,

(sgd) Edwin Dun.

His Excellency

Wong Fong Tsao.

Minister of China.

DIPLOMATIC BUREAU.

AUG 28 1894

No. 125.

Legation of the United States,

Tōkyō Japan, August 2nd 1894.

DEPARTMENT OF STATE,
AUG 27 1894
RECEIVED.

Ack. 30 Aug. 94

Mr. Dun

To the Secretary of State.

Subject.

Measures taken for safety of Chinese Legation property in Tōkyō

No. 125.

Legation of the United States.

Tokyo, Japan, August 2nd 1894.

Honorable W. Q. Gresham

Secretary of State,

Washington, D.C.

Sir:

Referring to my dispatch No. 123 of this date, inclosing to the Department of State July 31st 1894, from H.I.J.M. Minister for Foreign Affairs in which I informed him that I had taken charge of the archives of the Chinese Legation and had instructed United States Consuls in Japan to take under their protection such Chinese subjects as

Continue

continue to reside in
Japan, etc. I now have
the honor to enclose herewith
copy of a note from the
Minister for Foreign Affairs
informing me that in
compliance with my request
the necessary instructions had
been given to the proper
authorities for the protection
of the buildings and other
property of the Chinese Legation
at Tokyo.

I have the honor to be,

Your obedient servant

Edwin Dun

Enclosure:-

Mr. Mutsu to Mr. Dun Aug 2nd 1894

Enclosure with Mr. Dun's No. 125.

Mr. Mutsu to Mr. Dun,

(Translation-copy) Department for Foreign

No. 59. Affairs, Tokyo, Aug. 2 1894

His Excellency,

Edwin Dun,

Envoy Extraordinary and Minister Plenipotentiary

of the United States of America.

Sir :

I have the honor to acknowledge the receipt of Your Excellency's note No. 56, under date of the 1st instant, informing me that you will retain in your custody the archives of the Chinese Legation at Tokyo, and the consuls of the United States in Japan will take under their protection the Chinese subjects residing withinttthis Empire, and requesting me that a sufficient guard may be furnished to protect from injury the buildings and property of the Chinese Legation.

I beg in reply to say that in compliance with Your Excellency's request, instructions to that effect has been at once given to tht proper authorities.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

(signed) Mutsu Munemitsu,

Minister for Foreign Affairs.

DIPLOMATIC
AUG 29 1894

No. 126.

Legation of the United States
Tokyo, Japan, August 3rd 1894.

DEPARTMENT OF STATE
AUG 27 1894
RECEIVED

Mr. Dun, -

To the Secretary of State

Subject.

The Japanese-Chinese Situation
in Korea.

No. 126.

Legation of the United States,

Tokyo, Japan, August 31st 1894.

Honorable W. Q. Gresham,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to

enclose herewith, editorial clippings

from the Japan Mail of July 30th,

and August 4th 1894, upon the

Japanese-Chinese situation in Korea.

Embodying its published "Views

of the war" reviews the official Japanese

relations with Korea since 1873,

and its additions on the latter

country leading finally to the

occupation of Korea by Japanese

and

and Chinese troops, and the present state of war between Japan and China. This article although presenting the situation from Japanese point of view, is fairly correct in the statement made.

Enclosure 2. "The Recent Naval Fight" is based on official reports of the engagement from the senior naval officer engaged in the affairs to his superiors.

Enclosure 3. "Coming Event" gives an account of the military situation in Korea and of Japan's military strength and resources.

As stated in Enclosure 3.

Japan

Japan has under arms a highly disciplined and well equipped army of one hundred and sixty thousand men. The mobilization of this large force has been accomplished with startling celerity and without the slightest confusion. The business like and orderly manner in which it has been accomplished denotes a high state of efficiency in the various departments. Ten days since it ascertained, by chance, that twenty thousand men were that day to leave Tokyo for the South. The movement was accomplished and the men embarked in the most perfect order and quiet.

Perhaps

Perhaps that one in ten of the resident of Tokyo knew that anything of the kind had taken place.

As an indication of the patriotic responsive feeling the Government by the people. I beg to call your attention to the subscription to the war fund by the capitalists of Japan, reported in Enclosure 3. At a meeting held on the 1st instant eighty millions of yen were voluntarily subscribed. One individual, personally well known to me, subscribed one million yen.

Japan's weak point is in her Navy. In strength of ships she is

is somewhat overmatched by the Chinese. She has no battle-ships, whereas China has two that may be termed such. Much uneasiness is evidently felt by this Government in regard to the issue of this naval conflict that will practically decide this war. In case of Japan's defeat at sea, it will be impossible for her to maintain her position in Korea, should she win, her position there will be — impregnable.

Enclosure 3. refers to A-san (on the west coast of Korea and about forty miles south of Seoul) as the place where a battle

battle is likely to occur at any time. Yesterday evening the War Office here received official information that a battle was fought near that place on the 29th ultimo. It appears that the Chinese troops left their trenches to meet the Japanese who were advancing on the place, a severe engagement took place resulting in the defeat of the Chinese who retreated within their defences at A-San.

I have the honor to be, Sir,

Your obedient Servant,

E. Young Bunn

Enclosures:-

1-3. Clippings from the Japan Daily Mail July 30 & Aug 2 1894.

Enclosure No 1. with Mr. Dun's No. 126.

The Japan Daily Mail.

YOKOHAMA, MONDAY, JULY 30, 1894.

THE CAUSE OF THE WAR.

THAT war has actually broken out between the two chief Powers of the East unfortunately no longer admits of doubt. On the 25th inst. a naval engagement, particulars of which will be found in another column, took place off Phung-do, and it seems probable that hostilities on land began on the 27th inst. Under these circumstances a brief review of Japan's relations with China in connection with Korea during the last two decades, and a recapitulation of the recent disturbances in Korea that have culminated in war, will not be without interest.

To understand the first treaty between Japan and Korea we must recall an incident that occurred in 1873. In that year the Korean authorities at Fusan offered a gross insult to the Japanese official stationed at that port for the protection of the Japanese colony there. Count SOYEJIMA was then in China entrusted with a special mission on the part of Japan. Through this ambassador the Japanese addressed an enquiry to the Chinese government as to whether Korea was a dependency of China, adding that in this case Japan would require from China some amends for the insult offered by Korea to the Japanese official at Fusan. China, however, repudiated all responsibility for the acts of Korea, and thus in effect abrogated her claims of suzerainty over the latter country. In consequence of this, in the treaty between Japan and Korea signed in 1876, the latter was recognized as an independent state. A similar recognition of the independence of Korea obtained in the various treaties subsequently formed with this country by various western Powers. By the Chemulpo convention of 1882, Japan made a stipulation with Korea that the former Power should have the right to station troops in Korea for the protection of her own nationals in that country.

At the time of the disturbances in 1884, in which the late KIM OK-KYUN played such a prominent part, both China and Japan had troops stationed in Korea. By the treaty between Japan and China signed in 1885 it was agreed that China and Japan should simultaneously withdraw their troops from Korea; that if at any time, in consequence of disturbances in Korea, either Power should wish to send troops for the protection of its nationals resident in that country, notice of the intention to do so should first be given to the other; and that as soon as the disturbances had subsided the troops should be withdrawn. This agreement may be regarded as tantamount to the placing of Korea under the joint protection of China and Japan.

Korea is a country in which misgovernment and extortion have flourished luxuriantly for centuries, but under the recent MING administration a serious change for the worse had taken place. A change was made by which the tenure of office of a local official, previously three years, was reduced to one. Since, therefore an official had to reap his harvest of plunder in one-third of the time, his rapacity was proportionately increased and the people groaned under their burdens. In the Spring of the present year what is known as the Togaku-to disturbance, a revolt of the long-suffering people against the extortionate officials, which had been smouldering for years, broke into flame, and rapidly assumed serious proportions. The MING politicians, in concert with Mr. YUAN, the Chinese resident, thereupon requested the Chinese Government to send troops to suppress the insurrection. China complied with the request, and—after the departure of the troops, be it noted—gave notice of the fact to Japan. Japan, also, having given notice of her intention to China, sent an army of four or five thousand men to Korea for the protection of her nationals in the event of disturbance.

Japan has for a long time considered with anxiety the possible consequences of Korean maladministration. She felt that the only possible way to make Korean independence a permanent reality would be a thorough reform of the system of government in Korea. It may be observed that among the Japanese public a strong sympathy was felt with the Korean insurgents, whom they regarded as actuated by genuine and serious grievances, and as demanding absolutely necessary reforms. Their hope was that the insurrection would not be

suppressed by brute force, but that the insurgents might be pacified by the Korean Government's being persuaded to undertake the reforms indispensable to the welfare of the country. Japan was prepared to cöoperate with China in carrying out these reforms, and gave notice of this fact to China. It was added, however, that if China would not cöoperate with Japan, Japan would undertake the reforms alone. China replied by a refusal to cöoperate with Japan in the reform of Korea, and by a request that Japan would withdraw her troops. With this request the Japanese Government refused to comply. On the contrary, the Japanese force in Korea has been strengthened. It is not known exactly how many soldiers the Government sent to that country, but the number certainly exceeds ten thousand.

In view of China's refusal to cöoperate, the Japanese Government instructed its Minister, Mr. OTORI, to treat directly with the Korean Government on the subject of reforms. At first it appeared as if the Korean Government would be willing to undertake them, and a commission of three, subsequently increased to fifteen, Korean statesmen was appointed to carry them out. The commissioners held repeated conferences with the Japanese Minister, in which the details of the reform programme—financial, educational, military, and industrial—were discussed; and the commissioners finally expressed themselves satisfied with the reforms proposed by the Japanese Government. Mr. OTORI then asked for their written consent. And now there came a complete reversal of policy on the part of the commissioners. Instead of giving in writing the compliance they had already given by word of mouth, they sent a communication in which all the proposed measures of reform were rejected in an insolent manner. At the same time, various high officials known to favour reform were summarily degraded. The cause of this sudden change of front is not definitely known, but it is generally believed that the previous compliance with the Japanese demands was merely an act of political finesse; that the Chinese Resident had assured the MING politicians that he would return to China and bring reinforcements to drive out the Japanese invaders; that the MING politicians, knowing that reform implied their own downfall, had feigned assent to the reform programme in order to secure time for Chinese intervention.

On the 19th inst. the Japanese Minister sent the Korean Government an ultimatum, the exact terms of which have not yet transpired. The MING politicians replied to this after a day or two by an insulting message, and Mr. OTORI thereupon went to the palace to seek a personal interview with the KING. On his way his escort was fired on by the Korean troops, a skirmish ensued which ended in the rout of the Koreans, and Mr. OTORI then entered the palace and had an audience with the KING. The KING expressed regret that the friendly advice of Japan had not been adopted by his Government. At his request an escort of Japanese troops was sent to attend the TAI WON-KUN, who shortly afterwards came to the palace, and was appointed Regent. It is stated that the KING wished to take this step more than a month ago, but that at that time the TAI WON-KUN was either prevented from coming to the palace by the MING faction, or was apprehensive as to his personal safety should he attempt to do so. It is believed that the KING is himself sincerely in favour of reform, but that his efforts in this direction have hitherto been thwarted by the MING politicians. His father, the TAI WON-KUN, is admittedly the leader of the party of reform.

China having refused to cöoperate with Japan, and having, so the Japanese believe, intrigued with the MING politicians with a view to prevent Japan from herself undertaking the necessary reforms in Korean administration, the Japanese Government determined to prevent the landing of any more troops on Korean soil, for these troops would, they believe, be used in support of the MING faction and for the maintenance of the old abuses. Some Japanese war-vessels therefore intercepted a Chinese transport, the troops on board of which were probably about to be landed in the Bay of Nam-Yang, and actual hostilities thereupon began.

Enclosure No. 2 with Mr. Dun's No. 126.

The Japan Daily Mail.

YOKOHAMA, THURSDAY, AUGUST 2, 1894.

THE RECENT NAVAL FIGHT.

THE naval fight of the 25th ultimo is now subjected to criticism partaking of the character with which the foreign community is only too familiar. Japan can always be sure that by a section of the Yokohama press the worst possible construction will be put on her motives and the most radical process of detraction applied to her actions. The mere fact that in the combat of the 25th she managed to bring to the scene of the fight a force superior to that of her adversary, seems to be regarded by some folks as more or less discreditable to her, whereas the strategical management that contrived such a result is distinctly praiseworthy. Every commanding officer makes it a prime object to outnumber his foes at points of collision. That is a question of skill in distributing and disposing of the forces available. We observe, too, that not even the common justice is done of stating correctly the numbers of ships engaged on each side. There were three Chinese vessels besides the transport. With the exception of the captured vessel, however, uncertainty existed at first as to their names. The ideographs originally published to designate the ships subsequently underwent more than one alteration. It would now, seem, however, that the names of the Chinese vessels were the *Tsao-chiang* (captured), the *Tsi-yuen*, and the *Kwang-yi*. The *Tsi-yuen* is probably the vessel whose name is usually written *Chi-yuen*. On that hypothesis she belongs to the Northern Squadron, and is a Stettin-built cruiser of 2,300 tons, speed 15 knots, armed with two 21 c.m., one 15 c.m., and nine machine guns, as well as torpedo-tubes. The *Kwang-yi* we can not clearly identify. Apparently she is one of the three "*Kwangs*" of the Southern Squadron, deck-protected steel and wood cruisers of 1,030 tons, speed 16½ knots and armed with three 4¾ inch quick-firing and eight machine guns. The *Tsao-chiang* is a gun-boat of 950 tons, attached to the Northern Squadron. The Japanese ships engaged were the *Yoshino Kan*, the *Naniwa Kan*, and the *Hiyei Kan*. The *Yoshino* is a steel cruiser of 4,216 tons, capable of steaming 22 knots, and carrying four 6 in., eight 4.7 in., and 22 3pr. quick-firing guns. The *Naniwa* is also a steel cruiser of 3,709 tons, her speed 18 knots, and carrying ten guns, of which two are 28-ton Armstrongs. The *Hiyei* is a composite armour-belted corvette of 2,200 tons with a speed of 13 knots, and carrying three 17 c.m. 3½ ton (Krupp), and six 15 c.m. guns. These vessels are evidently superior to the Chinese ships encountered by them, and from that point of view the result attained on the 25th ultimo is not very remarkable. But the fight seems to have been altogether a peculiar affair. The three Japanese ships left Jinsen (Chemulpho) for the purpose of meeting the *Yayeyama Kan*, a despatch vessel. Their course led them to the south of the island Kang-hwa, which lies off the position at A-San where the Chinese troops are stationed. The same day two Chinese men-of-war, the *Tsi-yuen* and the *Kwang-yi* steamed out of A-San for the purpose of meeting and escorting to that place the transport *Kowshing* and her convoy the *Tsao-chiang*. For some time past the Chinese men-of-war, on sighting a Japanese cruiser, have always cleared for action. It happened that the two Chinese ships, emerging from the narrow channel between Kang-hwa island and the mainland, sighted the Japanese ships steaming past the south of the island, and, whether by the accident of their route or by design, followed them, at the same time running out their guns and beating to quarters. The Japanese ships turned to meet their apparent pursuers, and, like them, cleared for action. Thereupon the Chinese vessels ran up a white flag above the Japanese ensign, and this signal of course induced the Japanese ships to approach peacefully. When the distance between the leading vessels had diminished to 300 metres about, one of the Chinese ships discharged a torpedo and opened fire, while the other commenced to make signals to a transport and its convoy, which just then hove in sight. An engagement of course ensued, the *Yoshino* and the *Hiyei* fighting against the *Tsi-yuen* and the *Kwang-yi*, while the *Naniwa* devoted her attention to the transport and its convoy. The convoy also showed a white flag above the Japanese colours, but this ruse being now understood, the *Naniwa* fired across her bows and summoned her, as well as the transport, to heave to. The transport obeying, dropped her anchor, and the *Naniwa* sent a boat to which information

was given by the Captain of the transport, an Englishman. After the boat had returned to the *Naniwa*, the latter signalled to the transport to get under weigh and follow the man-of-war. Captain GALSWORTHY would have obeyed this order, but the Chinese declined to permit him, threatening him with death if he did so. He then signalled again to the *Naniwa*, intimating his inability to act, and received for answer a recommendation to leave the ship. He accordingly summoned his officers on deck, and when the *Naniwa* opened fire, they jumped overboard. The Chinese shot at them as they were swimming toward the shore, but they were safely picked up by the *Naniwa's* boats. The *Yoshino* and *Hiyei* had meanwhile come up, having put the two Chinese vessels to flight, and the *Tsao-ckiang* surrendered. An attempt was now made to pursue the Chinese ships, but it being seen that one could not be overtaken before reaching the Chinese squadron at A-San, and that to follow the other would involve abandonment of the duty upon which the Japanese vessels had sailed, the chase was given up. With regard to the sinking of the transport, it would seem that the refusal of the Chinese soldiers to surrender rendered it impossible to board her, and that resort to big guns became necessary. She was not deliberately destroyed, but one of the *Naniwa's* 28-ton Armstrong's hit her a blow that disposed of her at once. It is very regrettable that the troops could not be saved, but what is to be done with 1,500 armed men who refuse to surrender?

Enclosure No. 3 with Mr. Denis No. 126.

COMING EVENTS.

GRADUALLY the warlike chapter lying immediately before us begins to unfold its pages. A-San will be the scene of a battle memorable in the history of the Orient. It will be the Thermopylæ of the East, for the contest will be waged both on sea and on shore. A-San is a place of great natural strength. On the sea-side, it looks over to an island by which the northern and southern approaches are narrowed into channels easily capable of torpedo defence. On the land side, it is assailable from one direction only, that of Heitaku. Curiously enough there is current in Korea a prediction that A-San will witness a struggle necessitating the northward flight of the Chinese EMPEROR, and that the present year will mark the downfall of the LI dynasty of Korea. A copy of the prophecy is said to have been in the hands of the Japanese Consul at Fusan for eight years. It speaks of the *Togaku-to*, an association then unheard of, and of other things equally in *gremio futuri* at the time the presage was conceived. Probably it has been working out its own fulfilment. Coming to sterner facts, however, we learn that the Chinese forces at A-San have been busily engaged strengthening the position. They have dug trenches, prepared obstacles, and laid mines, so that the task of storming the place must present great difficulties. Moreover, the 2,500 troops originally posted there have received re-inforcements swelling their number to the neighbourhood of six thousand. To carry a stronghold so garrisoned and powerfully protected by nature and skill, will certainly inflict heavy loss upon the Japanese. Further, we learn that the whole of the Chinese Northern Squadron, aggregating over 20 ships, have left Taku and sailed for A-San. Thus it appears that China, departing from her wonted tactics, is putting forth all her immediately available strength at the outset, and has accepted Korea as a battle-field. On the side of the sea, she plants her navy, to secure the line of retreat and a basis of supplies. On the side of the land, she is marching a powerful army across the northern frontier of Korea, to recover possession of Söul and effect a junction with the troops and the fleet at A-San. It will, on the other hand, be Japan's business to prevent such a junction, and she is setting about the work in grim earnest. Yesterday, the embarkation of another large force for Korea commenced. What may be the exact number despatched, it is not our province to say, but Japan is not proceeding in any half-hearted manner. An idea of her resources may be gathered when we say that she has a hundred and sixty thousand men now under arms, and that she can at any moment put into the field 320,000, of whom 150,000 would be armed with Murata repeating rifles, and the rest with single rifles. These men have all been well drilled, and are between 20 and 32 years of age. As for money, the Government has at its immediate disposition fifty million *yen*, and yesterday a meeting of the leading capitalists of the empire decided that a sum of eighty million *yen* should be voluntarily contributed to form a war fund. This unparalleled national effort provides a chest the potentialities of which, for the purposes of military operations in the Orient, may be fairly measured at fifty million pounds sterling. The present intention, we believe, is to march one Japanese army northward to encounter the Chinese coming across the Tumen, and another westward to attack A-San, while the Japanese fleet will engage the Chinese in the waters of the latter place or elsewhere. The naval battle will be of paramount importance. If China succeeds in crippling the Japanese fleet, she will be virtually mistress of the situation. If victory on the sea rests with the Japanese, China will be helpless. Our readers will see that we are on the eve of a great struggle. It is a struggle between the Eastern representative of Western civilization and the Kingdom of bigotted conservatism. Our sympathies are necessarily with Japan.

DIPLOMATIC BUREAU
AUG 28 1894
COPIED. FOREIGN RELATONS

No. 127

DEPARTMENT OF STATE
AUG 27 1894
RECEIVED

Legation of the United States,
Tokyo Japan. August 3, 1894.

Ack'd Aug. 30/94 -
To Navy Sept 94. m

Mr. Dun

To the Secretary of State

Subject.

Notice to American Citizens concerning participating in Lotteries & Lectures
4083 & 4090 Rev. Stat.

No. 127. Legation of the United States,

Tōkyō, Japan, August 3, 1894

Honorable W. Q. Gresham,

Secretary of State.

Washington, D.C.

Sir:

In view of the existence of war between Japan and China and as a precautionary measure I have deemed it advisable to call the attention of citizens of the United States in Japan to sections 4083 and 4090 of the revised Statutes by giving publicity to the same in the "Japan Mail" and "Japan Gazette".

I have the honor herewith enclose copies of the above notice

I have the honor to be,

Your obedient Servant

Edwin Dun

Inclosure with Mr. Dun's No. 127

NOTICE.

To Citizens of the United States Resident in or visiting Japan.

THE Undersigned, having been formally notified by His Imperial Japanese Majesty's Minister for Foreign Affairs of the existence of a STATE of WAR between JAPAN and CHINA, the attention of Citizens of the United States resident in, or visiting Japan, is called to Sections 4083 and 4090 of the Revised Statutes of the United States, published herewith below.

EDWIN DUN,
Envoy Extraordinary and Minister Plenipotentiary of the United States.

Sec. 4083.—To carry into full effect the provisions of the treaties of the United States with China, Japan, Siam, Egypt, and Madagascar respectively, the Minister and Consuls of the United States, duly appointed to reside in each of those countries, shall, in addition to other powers and duties imposed upon them respectively, by the Provisions of such Treaties respectively, be invested with the judicial authority herein described, which shall appertain to the office of Minister and Consul, and be a part of the duties belonging thereto, wherein, and so far as, the same is allowed by treaty.

Sec. 4090.—Capital cases for murder or insurrection against the Government of either of the countries hereinbefore mentioned, by Citizens of the United States, or for offences against the public peace amounting to felony under the laws of the United States, may be tried before the Minister of the United States in the Country where the offence is committed if allowed jurisdiction; and every such Minister may issue all manner of Writs, to prevent the Citizens of the United States from enlisting in the Military or Naval Service of either of the said countries, to make war upon any Foreign Power with whom the United States are at peace, or in the service of one portion of the people against any other portion of the same people; and he may carry out this power by a resort to such force belonging to the United States as may at the time be within his reach.

August 3rd, 1894. 1w.

DIPLOMATIC
AUG 28 1894
COPIED. FOREIGN RELATIONS.
Secretary of State.
JAN 15 1895

Ack. by subject.

No. 128.

DEPARTMENT OF STATE
AUG 27 1894
RECEIVED.

Legation of the United States,
Tōkyō, Japan, August 3, 1894

Mr. Dun

Ack. 29 Aug. 94 M

To the Secretary of State

Subject.

Formal Declaration of War
by the Emperor of Japan against
China.

No. 128.

Legation of the United States,
Tokyo, Japan, August 3. 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to enclose, herewith, a translation of an Imperial rescript, dated August 1st, 1894, in which the Emperor proclaims to the people of Japan his formal declaration of war against China.

This important State paper did not appear in the "Official Gazette" until yesterday evening.

Upon

upon the receipt of the Japan Mail "today, I at once visited the "Foreign Office" and upon inquiry was informed by Mr. Hayashi, Vice-Minister for Foreign Affairs, that the translation herewith is correct.

Mr. Hayashi informed me that in order to put in operation the military laws of the Empire and the machinery of the Government pertaining to war, it was deemed by the Government that under Article XIII of the Constitution a formal declaration of war by the Emperor was necessary.

He

He also informed me that this declaration would not be formally communicated by his Government to the foreign representatives in Japan, as the formal notice of the existence of a state of war with China, communicated by the Minister for Foreign Affairs to the foreign representatives on the 31st ultimo, was deemed sufficient to secure to Japan a recognition from foreign governments of all belligerent rights.

I have the honor to be

Sir,

Your obedient servant

Edwin Dun

Enclosure:- Translation of Imperial Rescript

Dup.
Enclosure with Imp. Desp. No. 128.

The Japan Daily Mail.

YOKOHAMA, FRIDAY, AUGUST 3, 1894.

IMPERIAL RESCRIPT.

[TRANSLATION.]

WE, by the Grace of Heaven, EMPEROR OF JAPAN, seated on a Throne occupied by the same dynasty from time immemorial, do hereby make proclamation to all Our loyal and brave subjects as follows:—

We hereby declare war against China, and We command each and all of Our competent authorities, in obedience to Our wish and with a view to the attainment of the national aim, to carry on hostilities by sea and by land against China, with all the means at their disposal, consistently with the Law of Nations.

During the past three decades of Our reign, Our constant aim has been to further the peaceful progress of the country in civilization; and being sensible of the evils inseparable from complications with foreign States, it has always been Our pleasure to instruct Our Ministers of State to labour for the promotion of friendly relations with Our Treaty Powers. We are gratified to know that the relations of Our Empire with those Powers have yearly increased in good-will and in friendship. Under the circumstances, We were unprepared for such a conspicuous want of amity and of good faith as has been manifested by China in her conduct toward this country in connection with the Korean affair.

Korea is an independent State. She was first introduced into the family of nations by the advice and under the guidance of Japan. It has, however, been China's habit to designate Korea as her dependency, and both openly and secretly to interfere with her domestic affairs. At the time of the recent civil insurrection in Korea, China despatched troops thither, alleging that her purpose was to afford succour to her dependent State. We, in virtue of the Treaty concluded with Korea in 1882, and looking to possible emergencies, caused a military force to be sent to that country.

Wishing to procure for Korea freedom from the calamity of perpetual disturbance, and thereby to maintain the peace of the East in general, Japan invited China's cooperation for the accomplishment of that object. But China, advancing various pretexts, declined Japan's proposal. Thereupon, Japan advised Korea to reform her administration so that order and tranquillity might be preserved at home, and so that the country might be able to discharge the responsibilities and duties of an independent State abroad. Korea has already consented to undertake the task. But China has secretly and insidiously endeavoured to circumvent and to thwart Japan's purpose. She has, further procrastinated, and endeavoured to make warlike preparations both on land and at sea. When those preparations were completed, she not only sent large reinforcements to Korea, with a view to the forcible attainment of her ambitious designs, but even carried her arbitrariness and insolence to the extent of opening fire upon Our ships in Korean waters. China's plain object is to make it uncertain where the responsibility resides of preserving peace and order in Korea, and not only to weaken the position of that State in the family of nations,—a position obtained for Korea through Japan's efforts,—but also to obscure the significance of the treaties recognizing and confirming that position. Such conduct on the part of China is not only a direct injury to the rights and interests of this Empire, but also a menace to the permanent peace and tranquillity of the Orient. Judging from her actions, it must be concluded that China, from the beginning, has been bent upon sacrificing peace to the attainment of her sinister object. In this situation, ardent as Our wish is to promote the prestige of the country abroad by strictly peaceful methods, We find it impossible to avoid a formal declaration of war against China. It is Our earnest wish that, by the loyalty and valour of Our faithful subjects, peace may soon be permanently restored and the glory of the Empire be augmented and completed.

Given this 1st day of the eighth month of the 27th year of *Meiji*.

(His Imperial Majesty's Sign-manual.)

Countersignatures of the Minister President of State and of the other Ministers of State.

DIPLOMATIC BUREAU
AUG 24 1894

DEPARTMENT OF STATE
AUG 24 1894
RECEIVED

No. 129.

Legation of the United States,
Tōkyō, Japan, August 3. 1894.

Mr. Dun

To the Secretary of State.

Subject:
Confirming telegram.

No. 129.

Legation of the United States,
Tokyo, Japan, August 9, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to inclose herewith the reading of cipher telegram to-day of this date informing you that the Emperor of Japan Lord declared war against China.

I have the honor to be,

Sir,

Your obedient servant

Edwin Dun

Enclosure with Mr. Dun's No. 129.

Reading of cipher telegram to the Secretary of State.

"Tokio August 3, 1894.

"GRESHAM

" WASHINGTON,

" Declaration of war has been made by the Emperor of

"Japan against China

"Dun."

DIPLOMATIC BUREAU
AUG 26 1894

No. 130.

DEPARTMENT OF STATE
AUG 27 1894
RECEIVED

Legation of the United States,
Tōkyō, Japan, August 3, 1894.

Rec'd Aug 30.
Ans Aug 31
Pstge Rec'd
Sept 1/96
Jan 31/95

Mr. Dun,
To the Secretary of State

Subject.
Requesting renewal of subscription
for American papers for Legation

No. 130.

Legation of the United States,
Tokyō Japan, August 3. 1894.

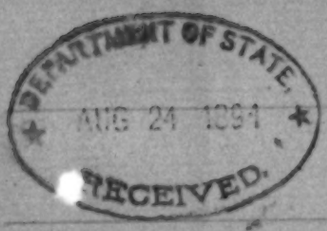
Honorable W. Q. Gresham,
Secretary of State,
Washington, D.C.

Sir:

The subscriptions for the New York Daily Herald and San Francisco Daily Examiner having expired, I have the honor to request that they be renewed for this Legation for one year from date of receipt of subscriptions.

I have the honor to be,
Sir,
Your obedient servant.
Edwin Dun

No. 131.



Legation of the United States
Tōkyō Japan, August, 3, 1894.

Mr. Dun,

To the Secretary of State

Subject.

Official Telegrams account July 1894.

No. 131.

Legation of the United States,
Tokyō, Japan, August 3. 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D.C.

Sir:

Herewith I have the honor to enclose my statement of account for Official Telegrams for the month of July 1894.

I have the honor to be,
Sir,
Your obedient servant
Edwin Dun

Enclosures:-
T. M.
6 Official Telegrams account.
for July 1894.

TELEGRAM RECEIVED IN CIPHER.

3RD ASSISTANT SECRETARY
Ack & file
AUG 7 1894
DIPLOMATIC BUREAU
AUG 7 1894

Ack. Aug. 9 1894

From Dun

Tokio Received Aug 3, 1894.

Declaration of War has been made by Emperor of Japan against China.

2D ASSISTANT SECRETARY.
Ack. by Number and File.
AUG 25 1894

No. 132.

DEPARTMENT OF STATE
AUG 24 1894
RECEIVED.

Legation of the United States.

Tōkyō, Japan, August 4th 1894

DIPLOMATIC BUREAU.
AUG 25 1894

Mr. Dun.

To the Secretary of State.

Subject.

Telegraphic correspondence with U.S. Legation. Peking.

No. 132.

Legation of the United States,

Tokyo, Japan, August 4th 1880.

Honorable W. M. Evarts,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to enclose herewith the readings of telegrams received from and sent to Mr. Denby our Charge d'Affaires a.i. at Peking by me, from July 26th to August 2nd, inclusive.

Enclosures:—

(1) Mr. Denby to Mr. Dunn July 24/94

(2) Mr. Dunn to Mr. Denby " 30/94

(3) Mr. Denby to Mr. Dunn " 31/94

(4) " " " " " " " " "

(5) " " " " " Aug 1st/94

(6) Mr Dunn to Mr Denby Aug. 2nd/94

(7) Mr. Dunn to Mr. Denby " 2/94

(8) " " " " " "

Enclosure No. 1 with Mr. Dun's No. 132.

Reading of cipher telegram from Mr. Denby to Mr. Dun.

Dated Peking July 24th 1894.

Received Tokyo, July 25th, 1894.

Peking, July 24th, 1894.

"American Minister, Tokio,

"Chinese Government consents

"Department of State has been advised. Denby. "

Enclosure No. 2 with Mr. Dun's No. 132.

Reading of cipher telegram from Mr. Dun to Mr. Denby.

Dated, Tokyo July 30th, 1894.

Tokyo, July 30th, 1894.

American Minister , Peking.

"Repeat last word your

"telegram twenty-fourth, Dun."

Enclosure No. 2 with Mr. Dun's No. 132.

Reading of cipher telegram from Mr. Dun to Mr. Denby.

Dated, Tokyo July 30th, 1894.

Tokyo, July 30th, 1894.

American Minister , Peking.

"Repeat last word your

"telegram twenty-fourth, Dun."

Enclosure No. 3 with Mr. Dun's No. 132.

Reading of a cipher telegram from Mr. Denby to Mr. Dun.

Dated, Peking July 31st 1894.

Received Tokyo Aug. 1st, 1894.

Peking July 31st, 1894.

" American Minister Tokio.

" Chinese Government officially "notifies Japanese charge d'affaires cessation of all "relations , intends leaving Peking unless receives "instructions before noon August first answer by tele- "graph. Denby.

Enclosure No. 4 with Mr. Dun's No. 132.

Reading of a cipher telegram from Mr. Denby to Mr. Dun.

Dated Peking, July 31st, 1894.

Received Tokyo, August 1st, 1894.

Peking, July 31st, 1894.

" American Minister,

"Tokyo.

Chinese Government inquires if

"you had assumed protection Chinese subjects Legations

"consulates. Denby.

Enclosure No. 2 with Mr. Dun's No. 132.

Reading of a cipher telegram from Mr. Denby to Mr. dun.

Dated Peking, August 1, 1894.

Received, Tokyo, Aug. 2; 94

Peking, August 1st 1894.

"American Minister, Tokio.

" Because of unfriendly

"relations Charge d' Affaires of Japan requests you will

"inform Minister for Foreign Affairs of Japan immediate

"transfer protection Japanese in China the United States

"authorities. Denby."

Enclosure No. 5 with Mr. Dun's No. 132.

Reading of a cipher telegram from Mr. Dun to Mr. Denby.

Dated, Tokyo, August 2nd 1894.

Tokyo, August 2nd, 1894.

" American Minister, Peking.

"Official notice has been
"given by Japanese Government of the existence of war
"with China, Japanese Charge d'Affaires has been recalled
"I have assumed the protection of Chinese subjects Lega-
"tion consulates. Dun.

Enclosure No. 7 with Mr. Dun's No. 132.

Reading of a cipher telegram from Mr. Dun to Mr. Denby.

Dated Tokyo August 2nd, 1894.

Tokyo, August 2nd 1894.

"American Minister, Peking.

"Our Government have signified to me "willingness to protect Japanese in China formal request "has been made by Japanese Government through Japanese "Minister at Washington. Dun. "

TELEGRAM RECEIVED. Cipher

From Tokyo

August 6, 1894.

Received ... M.

Greenhow

Washington.

The United States Minister at Seoul advises me to telegraph to you the following: Japanese by force took possession Royal Palace July 23. Korea have requested assistance of Japan. The King desires foreign countries to intercede with Japan for Peace. Fifty United States marines are at Legation of the United States.

Dun

DEPARTMENT OF STATE
AUG 24 1894
RECEIVED

Legation of the United States,
Tōkyō, Japan, August 6th 1894.

Mr. Whitney
to the Secretary of State.

Subject.
Duplicate Statement of
Salary account. June quarter
1894.

Legation of the United States,
Tokyō, Japan, August 6th 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D.C.

Sir:

Herewith I have the honor to enclose my duplicate statement of Salary account for the June quarter 1894.

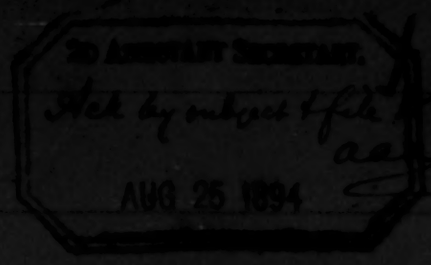
I have the honor to be,
Sir,
Your obedient servant
Willis Norton Whitney

T. M.

Enclosure:-
Duplicate Account for Salary

DIPLOMATIC BUREAU

AUGUST [illegible]





No. 133.



Legation of the United States,
Tokyo Japan, August 8th 1894

Mr. Dun,

Secretary of State

Washington.

Subject.

Letter from Hon. Sill Resident of
Seoul.

No. 123.

Legation of the United States,
Tokyo, Japan, August 6th 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington D.C.

Sir:

On the 4th instant I received from John M. B. Sill Esqr. United States Minister at Seoul a letter dated July 24, 1894, a copy of which I have the honor to enclose herewith, & you will please observe, Mr. Sill requests me to inform you by telegraph of the capture on the 23rd ultimo of the Royal Palace and family of Korea by Japanese troops;

of

of the arrival at his Legation of a guard of fifty men from the U.S.S. Baltimore; of the practical agreement by Korea, under force, to the demands of Japan; and of the desire of the King that the Governments having treaties with Korea should intercede with Japan for him.

Although events that have occurred since Mr. Sill's letter was written and of which you have already been advised, have perhaps canceled the urgent necessity of conveying to you by telegraph the information Mr. Sill requested me to send you, I have not felt myself

myself at liberty to ignore his request and withhold information that Mr. Sill deemed of sufficient importance to communicate to you by telegraph. I therefore on the 4th instant sent you a telegram, the reading of which I have the honor to enclose herewith.

2

Upon the receipt of Mr. Sill letter, I repaired to the Foreign Office and, in the absence of the Minister, inquired of Mr. Hayashi, vice-Minister for Foreign Affairs, if his Government had any official report of the incident of July 23rd that he would be willing to furnish me for transmission to my Government.

government; Mr. Hayashi at once directed a secretary of the Foreign Office to prepare for me a translation of the report of the affair from General Otori, H. I. J. M's Minister at Seoul, to the Japanese Minister for Foreign Affairs. I have the honor to enclose, herewith, a copy of that translation. 3

As you will please observe, Mr. Sills version of the incident and General Otori's are at considerable variance.

I was much surprised upon reading Mr. Sills statement that "The Japanese "Soldiers have done considerable pillaging

"pillaging and ravishing of
"women near this Legation and
"in other parts of the city"

Reports published in the foreign newspapers in China and Japan and brought by disinterested and reliable persons from Korea itself. I have so far as I have seen, spoken in the highest terms of praise of the discipline of the Japanese troops in Korea, of their orderly conduct and of the respect shewn by them for the persons and property of the Korean people.

I have the honor to be, Sir,
Your obedient Servant
Edwin Dun

Enclosures:—

Enclosures:-

(1) Mr. Sill to Mr. Dun, July 26/94

(2) Official Report of Incident of July 23/94

(3) Telegram Mr. Dun to Secretary of State August 4th 1894.

Enclosure 1 with Mr. Dun's No. 133

Copy.

Legation of the United States,
Seoul Korea, July 26, 1894.

The Honorable
Edwin Dun,
United States Minister
Tokio Japan.

Sir:-

You will doubtless have heard the news of the capture of the Palace and Royal family of Korea by Japanese troops on the morning of the 23rd instant, as one man-of-war (English) went at once to Chifoo to telegraph the news to London. The lines are down here, and the Japanese military line to Fusan is not yet completed. I can get no message to Washington and I avail myself of the first opportunity to forward the facts to you with the request that you cable the same to the Department of State. I wish especially to inform them of the taking of the Palace; of my receiving a guard of fifty men from the U.S.S. Baltimore; of the practical agreement by Korea, under force, to the demands of Japan and of the desire of the King that the governments having treaties with Korea should intercede with Japan for him.

More in detail I will explain to you, that at day break on the 23rd instant, a large Japanese force entered the Royal Palace enclosure by scaling the walls and breaking in the doors or gates. They were met with opposition from the Northern soldiers, a few men being killed and wounded on both sides They forced their way into the presence of the King who

surprised

surprised all by his dignified and composed behavior. The arms of the Korean soldiers, including Gatling guns, were taken away by the Japanese, who remain in possession of the Palace and city. At the demand of the Japanese General the Tai-Wan-Kun, father of the King and bitter enemy of the Queen's family, was called into the Palace and is now there in charge of Korean matters.

The Japanese soldiers have done considerable pillaging and ravishing of women near this Legation and in other parts of the city.

I received a guard of fifty men on yesterday from the "Baltimore" at Chemulpo, and our people will be protected.

There are rumors of engagements at sea and in the south between Japanese and Chinese, but these are not yet authenticated.

I am, Mr. Dun

Your obedient servant,

John M. R. Sill.

Enclosure No 2 with Mr. Dun's No. 133

Copy.

Foreign Office,

Aug. 4, 1894.

Dear Sir:-

By direction of Mr. Hayashi I beg to hand to Your Excellency the enclosed copy of official report regarding the incident of the 23rd ultimo at Seoul.

Yours sincerely,

Aimaro Sato.

His Excellency

Mr. Edwin Dun,

&c., &c., &c.

Copy.

According to official reports from the Japanese Representative in Seoul, the incident of July 23rd is as follows:-

The progress of negotiations between Japan and Korea having necessitated the step, the Japanese Minister at Seoul issued orders that a part of the Japanese troops stationed at Lung-Shan should enter Soul. Consequently on the 23rd of July at 4 a.m. they entered Soul through the South gate and marched along side the Royal Palace for the purpose of encamping on a hill behind the Palace. At that moment, the Korean Palace guard and a large number of Korean soldiers stationed in the street opened fire upon the Japanese soldiers and the latter were compelled to return the fire and finally to enter and guard the Royal Palace. The firing continued for fifteen minutes and then quiet was restored. From the beginning the Japanese troops had no aggressive intention and the strict observance of discipline and good order throughout the incident was the subject of high praise in Seoul. To cite a fact for illustration, when the Japanese troops marched into Seoul it being an early hour in the morning, vegetable market was being held in the streets of Seoul. Seeing the troops the frightened the tradesmen dispersed in all directions leaving shops and merchandise unguard for. After a while these tradesmen returned to the market and found to their joy not a single article missing.

The firing of the Korean troops was instigated by the Ming family whose corruption and misrule of power was the cause of the recent Tong-Hak

proposed reforms in the administration meant their downfall. They stood a barrier between the King and the patriotic party headed by the Tai-Won-Kun. So as soon as the Palace guard and Korean soldiers under the command of the Ming family were dispersed by the Japanese soldiers, the King immediately sent for the Tai-Won-Kun and entrusted him with full powers of administration and reform. At the same time, the King sent his Minister for Foreign Affairs to the Japanese Legation with a Royal message requesting the Japanese Minister to repair to the Royal Palace and there he was received with every courtesy and confidence and the Tai-Won-Kun declared to him that he would be consulted in all matters of reform.

It is rumored that the Korean Queen was deposed but there is no foundation at all for the rumor.

The reforms inaugurated by the Tai-Won-Kun have been making good progress. Ming Yong Chun and his associates who, if left to the inclination of the Korean government would have been beheaded, have been exiled by the friendly admonition of the Japanese Minister, and men of the patriotic party have been appointed to important posts in the Korean Government.

- 0 -

Enclosure 3 with Mr. Dun's No. 33.

Reading of telegram to the Secretary of State.

"Tokio August 4 1894.

"Gresham Washington

" The United States Minister at Seoul desires me to "telegraph to you the following:-

"Japanese by force took possession Royal Palace July "twenty-third. Korea have (has) accepted demands of "Japan. The King desires foreign countries to intercede "with Japan for him. Fifty United States marines are "at the Legation of the United States.

" Dun."

COPIED. FOREIGN RELATIONS.

DIPLOMATIC BUREAU
AUGUST 1894

Secretary of State
AUG 27 1894

134

DEPARTMENT OF STATE
AUG 24 1894
RECEIVED

Legation of the United States,
Tokyō, Japan, August 6th 1894.

1 Nov 11 and 30, 1894

2D ASSISTANT SECRETARY
Acted by subject & file.
AUG 27 1894

Mr. Dun

To the Secretary of State,

Subject.

Proposed exemption from capture of private vessels of belligerents in the present war.

No. 134.

Legation of the United States,
Tōkyō, Japan, August 6th, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to enclose herewith reading of a cipher telegram received late last evening, from Mr. Denby, United States Chargé d'Affaires at Peking, copy of my note of this date to H. I. J. M's Minister for Foreign Affairs transmitting reading of Mr. Denby's telegram to me, copy of note from the Minister for Foreign Affairs in

in response to my note to him
4. and of the reading of cipher
telegram I have this day
sent Mr. Denby at the
request of the Minister for
Foreign Affairs.

The arrangement that will
in all probability result from
this interchange of telegrams
will be, in my opinion, of the
utmost importance and
benefit not only to the merchant
marine of the two belligerents
but also to American and
European interests in
Japan and China. It was in
view of the important bearing
that exemption from seizure
of Japanese and Chinese
merchant

Merchant vessels would have upon the welfare of American commerce in the East that induced me without hesitation to become a channel of communication between the two Governments now unhappily at war.

You will please to observe that in my note to H. I. J. His Minister for Foreign Affairs I disclaim, in obedience to the Spirit of your instructions, any intention of representing China in this or any other matter in any diplomatic capacity whatever, but that owing to the importance

&

of the information contained in the telegram, place myself in the Minister's hands as a channel of communication between the two Governments.

I trust that my action in this matter will meet with your approval, and, in case you do approve of it, I have the honor to suggest that the Legations at Peking and Tokyo may be authorized by you to be used as channels of communication between the two belligerent nations at such times as the chiefs of those Legations may deem such use in the interests of peace, humanity or the welfare

welfare of commerce in the East.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosures:-

(1) Telegram, Mr. Denby to Mr. Dun. 5/8/94

(2) Mr. Dun to Mr. Mutsu, Aug. 6, 1894

(3) Mr. Mutsu to Mr. Dun Aug 6 1894

(4) Telegram Mr. Dun to Mr. Denby Aug 6/94

Enclosure No. 1 with Mr. Dun's No. 134.

Reading of a telegram in cipher from Mr. Denby to Mr. Dun

Dated Peking, August 5th 1894.

Received, Tokyo, Aug. 5th 189

Peking, August 5th 1894.

" American Minister, Tokyo.

" Chinese have captured Japanese
"barque have consented to allow to discharge cargo and
"to depart. Chinese Government wishes to know if Japan
"will refrain from molesting Chinese merchant vessels.

"Denby"

Enclosure 2 with Mr. Dun's No. 134.

Mr. Dun to Mr. Mutsu.

Copy.

Legation of the United States

Tokio, August 6th, 1894.

His Excellency

Mutsu Munemitsu,

His Imperial Japanese Majesty's Minister

for Foreign Affairs.

Sir:-

I have the honor to enclose herewith for Your Excellency's information copy of a telegram received by me yesterday evening, from the U. S. Charge'd'Affaires at Peking.

While disclaiming any intention of representing China in this or any other matter in any diplomatic capacity whatever, as I am obliged to do under instructions from my Government, I deem the information conveyed in this telegram of such importance that I do not hesitate to be a means of communicating it to your Excellency, and in like manner should Your Excellency desire me to convey in reply any information to the United States Charge'd'Affaires at Peking, I shall be pleased to do so.

I avail myself etc., etc., etc.

Edwin Dun.

Enclosure No. 3 with Mr. Dun's No. 134

Mr. Mutsu to Mr. Dun.

(Translation-copy)

Department for Foreign Affairs

Tokyo, August 6th, 1894.

His Excellency

Edwin Dun,

Envoy Extraordinary and Minister Plenipotentiary

of the United States of America.

S i r :

I have the honor to acknowledge the receipt of Your Excellency's Note of to-day's date for which my best thanks are due.

Assuming that the enquiry contained in the telegram a copy of which you were kind enough to forward to me, was intended as a proposal on the part of the Chinese Government looking to the reciprocal exemption of private vessels from capture, I beg to request that Your Excellency will serve as the medium for communicating telegraphically to the United States Charge d' Affaires at Peking that the Imperial Government would be willing to consent to exempt private Chinese ships from capture except ships engaged in carrying troops or other contraband of war or attempting to break blockades provided the Government of China guarantees like immunity in favor of private Japanese ships.

I trust Your Excellency will permit me further to trespass upon your kindness to the extent of requesting you to solicit a reply from Mr. Denby.

I avail myself etc. etc.

(sgd) Mutsu Munemitsu

Minister for Foreign Affairs.

Enclosure No. 4 with Mr. Dun's No. 134.

Reading of a cipher telegram from Mr. Dun to Mr. Denby

Dated Tokyo, August 6th, 1894.

Tokyo, August 6th, 1894.

"American Minister, Peking.

" Japanese Government would be
"willing to consent to exempt Chinese ships from capture
"except ships carrying troops or of any other contraband
"of war or attempting to break blockade provided Chinese
"Government guarantees like immunity in favor of private
"Japanese ships. Reply by telegraph. Dun.

acknowledged

135.

DIPLOMATIC BUREAU

AUG 24 1894

DEPARTMENT OF STATE
AUG 24 1894
RECEIVED

Legation of the United States,
Tokyo, Japan, August 6th 1894.

Mr. Dun

To the Secretary of State

Subject.

Reading of cipher telegram from
Department of State, dated Aug. 3/94

No. 135.

Legation of the United States,
Tōkyō, Japan, August 6th 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D.C.

Sir:

Herewith I have the honor to enclose reading of cipher telegram from the Department of State dated Washington, August 3rd 1894.

I have the honor to be,
Sir,
Your obedient servant.
Edwin Dun

Enclosure:-
Reading of Telegram dated Aug. 3/94.

Enclosure with Mr. Dun's No. 135.

Reading of cipher telegram from the Department of State

Dated Washington, August 3rd, 1894.

Received, Tokyo, August 8th, 1894.

Washington, August 3rd, 1894.

"Dun, Minister, Tokyo.

"Our Minister to China was promptly "instructed to exercise good offices for Japan as requested "and he has informed the Department that he is doing so.

"Gresham.

No. 136.

Legation of the United States,

Tōkyō, Japan, August 9th 1894.



Mr. Dun,

DIPLOMATIC BUREAU.
SEP 17 1894

To the Secretary of State Washington

18th Sept. 94. m

Subject.

Protest of Japanese Government against non-establishment of Consulate at Hakodate.

No. 136. Legation of the United States,
Tokyō, Japan, August 9th 1894

Honorable W. Q. Gresham.
Secretary of State,
Washington, D.C.

Sir:

I have the honor to enclose herewith copy of a note from H.I.J. his Minister for Foreign Affairs, and of its enclosure, informing me of the breaking of a custom's seal attached to one of the hatches of the American Schooner "Bonanza"; and that in the absence of any court in Hakodate having jurisdiction in the premises, the penalty fixed by the regulation under the treaty of 1858, for breaking

breaking a customs seal
was not imposed, etc., etc.

The Minister for Foreign Affairs
calls my attention to the
correspondence which passed
between this Legation and
the Department for Foreign
Affairs in the 13th (1880) 15th (1882)
16th (1883) and 17th (1884) years of Meiji
on the subject of the absence of
a Consular Court of the United
States at Hakodate. For the
correspondence mentioned in
Mr. Mutsu's note, I have the
honor to refer you to Mr. Bingham's
dispatches to the Secretary of State
as follows:—

Mr. Bingham to Mr. Evarts No.
1205 dated Nov. 15, 1880.

Mr. Bingham

Mr. Bingham to Mr. Frelinghuysen

No 1783, dated Dec. 8/83

" " to Mr. Frelinghuysen

No. 1819, dated July 26/84

2 I have the honor to enclose, herewith, copy of my note of date the 8th instant in reply to Mr. Mutsu's note of the 4th instant informing him that I would by the next mail refer the subject matter of his communication to my Government.

I have the honor to be,

Sir:

your obedient servant

Edwin Dun

Enclosures:

(1) Mr. Mutsu to Mr. Dun dated Aug 4/94

(2) Mr. Dun to Mr. Mutsu, dated Aug 8/94

Enclosure No. 1 with Mr. Dun's No. 138

(Translation-copy)

No. 28. Department for Foreign Affairs

Tokyo, August 4th, 1894.

His Excellency

Edwin Dun,

Envoy Extraordinary and Minister Plenipotentiary

of the United States of America.

S i r :

On the 21st of June last, at the Port of Hakodate, the Custom's seal attached, in pursuance of Article II of the Trade Regulations appended to the Treaty of 1858, to one of the hatches of the American Schooner "Bonanza" was broken. The master of the vessel, in a written statement dated June 21st 1894, a copy of which I beg to enclose herewith, admitted the fact, but declared that one of the crew of the vessel was the guilty party.

The absence of any Court at Hakodate having jurisdiction in the premises prevented a judicial investigation and determination of the question. Consequently the penalty specifically denounced by the Regulations above cited for violating the Custom's seal, was not imposed and the vessel has since left Hakodate.

I have the honor to bring this matter under the notice of Your Excellency and at the same time to attract your attention to the correspondence which passed between the Legation and this Department in the 13th, 15th, 16th and 17th years of Meiji, on the subject of the absence of a Consular Court of the United States at Hakodate.

I avail

I avail myself etc. etc.

(sgd) Mutsu Munemitsu

Minister for Foreign Affairs.

Enclosure with Mr. Mutsu's No. 28 to Mr. Dun.

(Copy)

Hakodate, Japan.

21st June, 1894.

To the Superintendent of Customs.

S i r :

I beg to inform you that about 12.30 A. M. the hatch of the Schooner "Bonanza" was broken into by one of the sailors by the name of Alex. Sederstram with the intention of stealing the ship's cargo and caught in the act, and in so doing had broken the Custom House Seal. I hereby testify the statement is correct.

(signed) Alexander McLean,

Master of Schr. Bonanza.

W. R. Fulton, Mate.

Enclosure No. 2 with Mr. Dun's No. 136.

(Copy) Mr. Dun to Mr. Mutsu.

NO. 58. Legation of the United States

Tokyo, August 8th, 1894.

His Excellency

Mutsu Munemitsu,

His Imperial Japanese Majesty's Minister

for Foreign Affairs.

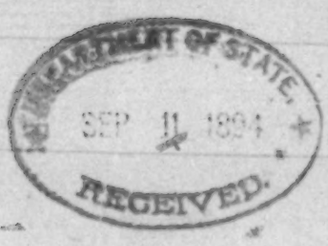
S i r : I have the honor to acknowledge receipt of Your Excellency's note of date the 4th instant, informing me that on the 21st of June last, at the port of Hakodate the Custom's seal attached to one of the hatches of the American schooner "Bonanza" was broken, and enclosing copy of a written statement from the Master of the vessel admitting the fact, but declaring that one of the crew was the guilty party.

Your Excellency also informs me that in tha absence of any court at Hakodate having jurisdiction in the premises the penalty fixed by the regulations under the treaty for breaking a custom's seal was not imposed and that the vessel had since left Hakodate.

Your Excellency while bringing this matter to my notice calls my attention to the correspondence which passed between the Department for Foreign Affairs and this Legation in the 13th, 15th, 16th and 17th years of Meiji upon the subject of the absence of a consular court of the United States at Hakodate. I shall by the next outgoing mail bring the matter of Your Excellency's Note to the attention of my Government.

I avail etc. etc. (sgd) Edwin Dun.

No. 137.



Legation of the United States,
Tokyō, Japan, August 9th 1894.

Mr. Dun,

To the Secretary of State.

Subject.

Duplicate account for Official
Telegrams for July.

No. 137.

Legation of the United States,
Tokyō, Japan, August 9th 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D.C.

Sir:

Herewith I have the honor to enclose my duplicate statement of account for official telegrams for the month of July 1894.

I have the honor to be,
Sir,
Your obedient servant.
Edwin Dun

Enclosure:-
T. M.
Duplicate account for Telegrams
July 1894.

Ack'd Sept. 17

COPIED FOR CONGRESS.

DIPLOMATIC BUREAU. SEP 12 1894

Dept. of State. JAN 15 1895

No. 138.

Legation of the United States,

Tōkyō, Japan, August 10th, 1894.

SECRETARY OF STATE. SEP 11 1894 RECEIVED.

Mr. Dun,

To the Secretary of State,

Sent not to China Sept. 1894.

Subject.

Imperial Ordinance for the government and protection of Chinese subjects remaining in Japan.

No. 188. Legation of the United States,
Tōkyō Japan, August 10, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to inclose herewith in duplicate an authorized translation of Imperial Ordinance No. 137 clipped from the "Japan Mail" of the 9th instant.

This ordinance was promulgated for the government and protection of such Chinese subjects as may continue to reside in Japan during the war with China.

It

~~It~~ is liberal and humane in its provisions.

I have been assured by H. I. J. M's Minister for Foreign Affairs that it is not the intention of the Japanese Government to impose any tax or burden whatever upon Chinese, who elect to remain in Japan, that they were not required to bear before the commencement of the war.

I have the honor to be,

Sir,

Your obedient servant.

Edwin Dun

Enclosure:-

Clipping from "Japan Mail" Aug 9/84.

Enclosure with Mr. Dun's No 138.

The Japan Daily Mail.

YOKOHAMA, THURSDAY, AUGUST 9, 1894.

IMPERIAL ORDINANCE.

We publish below an authorized translation of the important Imperial Ordinance of the 4th instant:—

We hereby sanction the present Regulations relating to Chinese subjects residing in Japan and order the same to be promulgated.

(Privy Seal.)

(H.I.M.'s Sign-Manual.)

The 4th day, the 8th month,
the 27th year of *Meiji*.

(Countersigned)

Count ITO HIROBUMI,
Minister President of State;

Count INOUYE KAORU,
Minister of State for Home Affairs;

MUTSU MUNEMITSU,
Minister of State for Foreign Affairs;

YOSHIKAWA AKIMASA,
Minister of State for Justice.

IMPERIAL ORDINANCE No. 137.

Art. 1.—Chinese subjects are authorized, subject to the provisions of this Ordinance, to continue to reside in those places in Japan where they have hitherto been permitted to reside and there to engage in all peaceful and lawful occupations with due protection of life and property, and subject to the jurisdiction of Japanese Courts.

Art. 2.—Chinese subjects residing in Japan in accordance with the preceding Article shall, within twenty days after the promulgation of this Ordinance, apply to the Governor of the prefecture where they reside to register their residences, occupations, and names.

Art. 3.—Certificates of registration will be issued by the Governors of Prefectures to Chinese subjects who register themselves in pursuance of the preceding Article.

Art. 4.—Chinese subjects who register themselves according to Art. 2 shall be entitled to change their places of residence provided they obtain from the Governor of the prefecture where they are registered, visés upon the certificates of registration and apply to the Governor of the Prefecture of their new residence within three days after arrival to be re-registered as prescribed by Art. 2.

Art. 5.—The Governors of Prefectures may expel from the territories of Japan, Chinese subjects who fail to register themselves as required by this Ordinance.

Art. 6.—Chinese subjects who injure the interests of Japan, commit offences, or disturb order, or are suspected of any of the above acts, shall, in addition to the penalties denounced for such acts, be liable to expulsion by the Governors of Prefectures from the territories of Japan.

Art. 7.—The present Ordinance applies to Chinese subjects employed by the Japanese Government or subjects.

Art. 8.—The present Ordinance does not affect the orders and measures of the Imperial Military Authorities which may be issued against Chinese subjects residing in Japan in connection with warlike matters.

Art. 9.—Permissions to Chinese subjects to enter the territories of Japan after the promulgation of this Ordinance shall be limited to those specially granted by the Minister of Home Affairs through Governors of Prefectures.

Art. 10.—The present Ordinance shall be enforced from the date of promulgation.

COPIED. FOREIGN RELATIONS.

DIPLOMATIC BUREAU

3RD ASSISTANT SECRETARY.
SEP 11 1894

No. 139. SEP 11 1894

Legation of the United States

DEPARTMENT OF STATE
SEP 11 1894
RECEIVED.

Tōkyō Japan, August 10th 1894

Mr. Dun

Sept 12

To the Secretary of State.

Subject.

Outrage upon Japanese women and family of Japanese Consul by Chinese soldiers at Tongku.

No. 139.

Legation of the United States,

Tokyo, Japan, August 29, 1896.

Honorable W. Q. Gresham,

Secretary of State,

Washington, D.C.

Sir,

On the 27th instant I was visited by Mr. Hayashi, H.I.J.M's Vice-Minister for Foreign Affairs and informed that Mr. Arakawa Japanese Consul at Tientsin, having left that place for home with his family and twenty Japanese women on board of a British steamer, had reached Tongku, where in the absence of Mr. Arakawa

Arakawa, his family and the Japanese to-men on the steamer were attacked by Chinese soldiers, some of them were wounded, others carried away to the shore and all of them robbed of their valuables.

Mr. Hayashi requested me to telegraph to Mr. Denby in regard to the outrage and request him to investigate the matter. I immediately complied with Mr. Hayashi's request and have the honor to enclose herewith reading of my telegram. On the 8th instant I received a note from H. I. J. M's Minister for Foreign Affairs, copy of which

I

2. I have the honor to enclose, officially confirming Mr. Hayashi's verbal request of the previous day.

On the 9th instant I received a telegraphic reply from Mr. Denby to the effect that the viceroy had expressed his grief for the Tongku affair and promised to punish the guilty parties and recover the stolen property, adding that no one had been seriously injured.

I conveyed this message to the Minister for Foreign Affairs at once, in an official note, copy 3-4. of which I have the honor to enclose with the reading of Mr. Denby's telegram. I also have the honor

to

to enclose copy of a note of this date from the Minister for Foreign Affairs acknowledging receipt of and thanking me for my note of the 9th instant and Mr. Denby's telegraphic communication.

I have the honor to be

Sir,

Your obedient servant

Edwin Dun

Enclosures:-

(1) Telegram Mr. Dun & Mr. Denby Aug 7/94.

(2) Mr. Mutsu to Mr. Dun. Aug 8th 1894.

(3) Mr. Dun & Mr. Mutsu. Aug. 9th 1894.

(4) Telegram. Mr. Denby & Mr. Dun Aug 8th 1894

(5) Mr Mutsu to Mr. Dun Aug. 10th 1894

Enclosure 1 with Mr. Dun's No. 139.

Telegram

Mr. Dun to Mr. Denby.

Tokio, August 7, 1894.

American Minister Peking.

Japanese Consul and other Japanese from Tientsin attacked while on British vessel by Chinese soldiers at Tongku. Consul will send particulars. You are requested to investigate.

Dun.

Enclosure 2 with Mr. Dun's No. 139.

Copy.

Translation.

No. 66. Department for Foreign Affairs Tokio,
the 8th day the 8th month the 27th
year of Meiji. (August 8, 1894).

His Excellency,

Edwin Dun

Envoy Extraordinary and Minister Plenipotentiary of
the United States of America.

Sir:-

Having received from H.I.M's Consul General at Shanfhai a telegram of yesterday's date to the effect that at Tongku where Mr. Arakawa H.I.M's Consul who had hitherto resided at Tientsin embarked on the 2nd instant on a British steamer "Chong-King" with his family and twenty Japanese women on their way home, a number of Chinese soldiers during Mr. Arakawa's absence on shore, made a sudden attack on his family and the women, wounded some of them, carried away some of the rest to shore, robbed them of their valuables and did not release them till the next day, I have at once instructed Mr. Arakawa now staying at Shanghai to inform by mail the United States Charge'd'Affaires at Peking of the particulars of the event.

In imforming your Excellency of the above incident I have the honor to request that you will be so good as to ask Mr. Denby's good offices that on the réceipt of

the

the information above referred to he will on behalf of the Imperial Government communicate the fact to the Chinese Government and call their attention to the incident in question.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

Mutsu Munemitsu,

Minister for Foreign Affairs.

Enclosure 3 with Mr. Dun's No. 139.

Copy.

No. 59.

Legation of the United States,

Tokio, August 9, 1894.

His Excellency,

Mutsu Munemitsu,

His Imperial Japanese Majesty's Minister for

Foreign Affairs,

Sir:-

I hasten to convey to Your Excellency the enclosed reading of a telegram received by me this morning from Mr. Denby, United States Charge'd'Affaires at Peking.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Edwin Dun.

Enclosure 4 with Mr. Dun's No. 139.

Telegram.

Mr. Denby to Mr. Dun.

Peking August 8, 1894 1-15p.m.

American Minister Tokio,

The Viceroy expresses grief for the affair at Tongku, promises to punish the guilty and to recover stolen property. The Japanese Consul was not on board at the time. No one seriously injured.

Denby.

Enclosure 5 with Mr. Dun's No. 139.

Copy.

Translation.

No. 67. Department for Foreign Affairs, the 16th day the 8th month the 27th year of Meiji (August 10th 1894).

His Excellency

Edwin Dun,

Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

Sir:-

I have the honor to acknowledge the receipt of Your Excellency's note under date of the 9th instant enclosing copy of a telegram received from Mr. Denby, United States Charge'd'Affaires at Peking, in regard to the affair at Tongku, China, and beg to express my sincere thanks for your good offices in respect to this incident.

I avail myself etc., etc., etc.

Mutsu Munemitsu,

Minister for Foreign Affairs.

No. 140.

DIPLOMATIC BUREAU
SEP 11 1894

DEPARTMENT OF STATE
SEP 11 1894
RECEIVED.

Legation of the United States
Tōkyō, Japan, August 13. 1894

Mr. Dun

To the Secretary of State

Answd. Sept. 12.

Subject:

Japanese Government desires to refund cost of telegrams sent at their request in connection with Chinese-Japanese war.

No. 140.

Legation of the United States,
Tōkyō, Japan, August 13, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington d.C.

Sir:

In connection with telegrams sent by me, at the request of H. I. J. M's Minister for Foreign Affairs to Mr. Denby, Mr. Mutsu has requested me to allow him to refund to the United States the cost of their transmission. I informed him that I would refer his request to you: that until I had received your instructions in regard

to

to the matter I could not comply with his request.

I have the honor to suggest that it might relieve the Japanese Government of some embarrassment if permitted to reimburse the United States for the expenditure.

I have the honor to be,

Sir,

Your obedient servant.

Edwin Dun

COPIED. FOREIGN RELATONS.

No. 141.

Legation of the United States,
Tōkyō, Japan, August 13, 1896

DEPARTMENT OF STATE
SEP 11 1896
RECEIVED

Mr. Dun

To the Secretary of State

Subject.

Proposed exemption from Capture of Japanese and Chinese merchant-vessels by belligerents in present war — Continued.

No. 141.

Legation of the United States,
Tokyo, Japan, August 13. 1914.

Honorable W. J. Bryan,
Secretary of State,
Washington, D.C.

Sir:

Referring to my dispatch No 134 of date the 6th instant, relative to the proposed exemption from capture of Japanese and Chinese merchant vessels by either belligerent in the present war, I now have the honor to enclose herewith reading of a telegram from Mr Denby to me, dated the 10th instant. Copy of

a

a note from me to H. I. J. M's Minister for Foreign Affairs dated the 11th instant conveying the reading of Mr. Denby's telegram; copy of a note of same date from Mr. Mutsu to me requesting me to telegraph a reply to Mr. Denby, and the reading of my telegram dated the 12th instant to Mr. Denby. 3 4

As Japan desires that the exemption from capture should include the privilege of Japanese merchant vessels visiting the open ports of China and ~~vice versa~~ vice versa, I very much doubt if an agreement between the two governments will be made. I had supposed that it was only desired by both parties

parties, to exempt from capture private vessels of the belligerents on the high seas. It seems to me that to grant the privilege of mutual trade with the enemy's country to merchant-vessels of the belligerents might lead to complications most difficult to arrange.

I have the honor to be,

Sir,

your obedient servant,

Edwin Dun

Enclosures:—

(1) Telegram Mr. Denby to Mr. Dun 10/8/94

(2) Mr. Dun to Mr. Minton 11/8/94

(3) Mr. Minton to Mr. Dun 11/8/94

(4) Telegram Mr. Dun to Mr. Denby 12/8/94.

Enclosure 1 with Mr. Dun's No. 141.

Telegram.

Mr. Denby to Mr. Dun.

Peking August 10, 1894, 5 - 12 p.m.

American Minister Tokio.

Telegram received. Chinese Government agrees. Exemption to include China Merchants steamers and Japanese subsidized lines. Japan first to define contraband of war.

Denby.

Enclosure 2 with Mr. Dun's No. 141.

Copy.

No. 60.

Legation of the United States,

Tokio, August 11, 1894.

His Excellency,

Mutsu Munemitsu

His Imperial Japanese Majesty's Minister for

Foreign Affairs.

Sir:-

I hasten to convey herewith to Your Excellency, the reading of a telegram received by me this morning from the United States Charge'd'Affaires at Peking.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Edwin Dun.

Enclosure 3 with Mr. Dun's No. 141.

Copy.

Department for Foreign Affairs, Tokio,
the 11th day, the 8th month, the 27th
year of Meiji, (August 11, 1894).

His Excellency,

Edwin Dun,

Envoy Extraordinary and Minister Plenipotentiary of
the United States of America.

Sir:-

I have the honor to acknowledge the receipt of Your Excellency's note of today's date enclosing the reading of a telegram received from the United States Charge'd'Affaires at Peking in regard to the exemption of private vessels from capture.

The Imperial Government would be willing to agree to exempt from capture, as stated in that telegram, vessels employed on the Japanese subsidized lines and steamers of the China Merchants Steam Navigation Company, but they are compelled to decline to define in advance, as stated in the last part of that telegram, the articles which will be regarded as contraband of war, since the circumstances of each case must, in their opinion, determine what constitutes a contraband.

The Imperial Government are anxious to be informed whether the Chinese Government would agree to the proposed exemption of private vessels from capture notwithstanding the Imperial Government would decline, as just stated, to define in advance the nature of contraband of war.

Further

Further, on perusal of the declaration of war which is reported to have been issued by the Emperor of China and which appeared in the "North China Daily News" of the 3rd instant, I find that the Machu Generals, Vicerorys and Governors of the Maritime Provinces as well as the Commanders in Chief of the various armies are commanded to make every effort to fire on the Japanese ships if they come into Chinese ports and utterly destroy them, no discrimination being made in the declaration as to the nature of the ships. This being so, the Imperial Government are of the opinion that any arrangement that may be arrived at between the Governments of Japan and China regarding the exemption from capture of merchant vessels will be fruitless unless the Chinese Government are prepared, simultaneously with the making of such arrengement, to take such steps as may effectually stop the operation of the paragraph in their declaration of war regarding the destruction of Japanese ships. Laboring under that belief the Imperial Government are desirous of knowing whether or not the Chinese Government are prepared to take those steps.

I beg to request the Your Excellency will have the kindness to communicate the foregoing to Mr. Denby and at the same time to acquaint him that the Imperial Government will feel obliged if he would obtain from the Chinese Government a definite answer on the two points above mentioned on or before the 19th instant and that if they receive no reply on the date mentioned they will regard their proposals rejected by the Chinese Government.

I

Enclosure 4 with Mr. Dun's No. 141.

Telegram.

Mr. Dun to Mr. Denby.

Tokio, August 12, 1894.

American Minister Peking.

Japanese Government decline to define what will be regarded as contraband of war. Will China agree to exemption without Japan defining contraband of war. Will exemption include Japanese vessels visiting Chinese ports. Emperor of China declaration of war orders destruction of Japanese steamers entering Chinese ports; will that order be revoked. Unless definite answer has been received nineteenth instant the proposals will be regarded as rejected by China.

Dun.

RD ASSISTANT SECRETARY.
SEP 11 1894

DIPLOMATIC BUREAU
SEP 11 1894

No. 142.

DEPARTMENT OF STATE
SEP 11 1894
RECEIVED.

Ansd. Sept. 12

Legation of the United States.
Tōkyō, Japan, August 13th 1894.

Mr. Dun

To the Secretary of State

Subject.

Signature of the Treaty with Great Britain

No. 142.

Legation of the United States,
Tōkyō, Japan, August 13, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington D.C.

Sir:

I have the honor to enclose herewith copy of a personal note from Mr. Mutsu, H.I.J.M's Minister for Foreign Affairs dated the 12th instant relative to the signature on July 16th 1894 of the new treaty between Japan and Great Britain. Mr. Mutsu's note will explain why I have not communicated to you long ere this

this the fact that the treaty had been concluded. Mr. Mutsu's late illness and the arduous duties imposed upon him and the vice-minister, Mr. Hayashi, by the war with China offer ample excuse, if one were needed, for an oversight that might otherwise have indicated under the circumstances a want of thoughtfulness, particularly so, as Viscount Aoki was instructed to hand a copy of the new treaty to Mr. Bayard

The treaty will not be published until ratifications have been exchanged.

It, the treaty is now on its way

way to Japan but it is not known if the Queen's ratification accompanies it or not. Doubtless you have been fully advised in regard to the matter by our Ambassador at the Court of St. James.

I have the honor to be

Sir,

Your obedient servant.

Edwin Dun

Enclosure:-

Mr. Mutsu to Mr. Dun, 12/8/94.

Enclosure with Mr. Dun's No.142.

Copy.

August 12, 1894.

My dear Mr. Dun:

I have just learned from Mr. Hayashi, with a great surprise and regret, that the fact of the signature of the new treaty with England has not been made known to you long before this.

I have been always under the impression that it had been communicated to you already and really I cannot make it out how the omission has been suffered to remain unnoticed until now for I was anxious that the United States should know of it quickly and soon after the treaty was signed. I instructed Viscount Aoki to give a copy of the Treaty to Mr. Bayard. Such being the case, you are the very person to whom I ought to have given the intelligence. As you have already heard from Mr. Hayashi, the Treaty was signed on the 16th of July, but I request that you will be good enough to keep the fact of signature secret from your colleagues in Tokio.

Sincerely yours,

(Signed.) M. Mutsu.

3RD ASSISTANT SECRETARY
No. 143. COPIED. FOREIGN RELATONS.
SEP 11 1894
SEP 11 1894

DIPLOMATIC BUREAU.
SEP 11 1894

DEPARTMENT OF STATE
SEP 11 1894
RECEIVED

Legation of the United States,

Tokyō. Japan, August 13th 1894.

Acknd.
Sept 12.

Mr. Dun

To the Secretary of State,

Subject.

Report of President Imperial Board of Legislation on the "Kowshing affair"

No. 143.

Legation of the United States,
Tokyō Japan, August 13th 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to enclose herewith a copy of the report entitled "The Report relating to the "Kowshing Affairs" of Mr. Kenchō Sugamatsu, President of the Imperial Board of Legislation, who was sent by the Japanese Government to Sasebo, Japan, to inquire into and report upon the sinking by the Japanese man-of-war "Naniwa

"Naniwa" of the British Steamer
"Kowshing" off the Korean coast
on July 25th 1894, while carrying
Chinese troops from Taku
China, to the port of Asan, Korea.
The report was sent to me by
Mr. Hayashi, H. I. J. M's vice-
Minister for Foreign Affairs.

I have the honor to be,

Sir,

your obedient servant,

Edwin Dun

Enclosure:-

Printed Report of "Kowshing
affair"

Enclosure with Mr. Denis No. 143.

THE REPORT

RELATING TO THE

"KOWSHING" AFFAIRS.

THE REPORT

RELATING TO

THE "KOWSHING" AFFAIRS.

To His Excellency Mr. MUTSU MUNEMITSU,
Minister for Foreign Affairs.

Dear Sir:

Carrying with me your instruction to investigate the important facts relating to the transport-ship of the Chinese troops, as well as her complement, which was sunk by H. I. J. M.'s war-vessel "Naniwa" near Shopaioul Island off the coast of Corea, I left Tokyo on the 29th ultimo and travelling day and night arrived at Sasebo at 5 a.m. on the 2nd instant, and at once proceeded to make necessary investigations. Although the essential points that I have obtained by these investigations have been already telegraphed to you from time to time, I hereby submit this paper to you in order to report more details in a consecutive form.

The materials used for my investigations are as follows: —

1.—The statements of the Captain, first officer and a quarter-master of the sunken ship (The important points of these statements were written and signed by the narrators.)

2.—The written answers by the above-said Captain and officer to a series of questions put to them by the naval authorities of the Sasebo Naval Station.

3.—The reports sent by the Commanders of H. I. J. M.'s men-of-war relating to the naval engagement near Fernand Island off the Corean coast and other matters connected with it.

4.—The statements of the Commander of H. I. J. M.'s war-vessel "Yayeyama" who brought the above-said Captain and two others as well as the complement of the captured Chinese war-vessel "Sowkou" (Tsaokiang) to Sasebo.

5.—The statements of Mr. Mühlensteth, a Däne, who was on board the above-said Chinese war-vessel (The important points of these statements were written and signed by the narrator).

6.—The written answers of the Commander of the said Chinese war-veesel to a series of questions put to him by the naval authorities of the Sasebo Naval Station.

The name of the sunken ship is "Kowshing," her owners are Indo-China Steamship. Navigation Co., London. whose agents are Jardine, Matheson & Co., and her nationality is British. She was built in 1883, her net tonnage was 1354, her gross tonnage 2,134. As to other particulars of the ship, I omit here as they are all described in the Lloyd's register. Her complement was as follows:

Captain THOMAS RYDER GALSWORTHY.
First-officer LEWES HENRY TAMPLIN.
Second-officer JOSEPH WELSH.
Third-officer NATHANIEL WAKE.
First-engineer WILLIAM GORDON.
Second-engineer W. L. HALLEY.
Third-engineer J. PRIMROSE.
(The above, British).

Quarter-master LUCUS EVANGELISTA.
Quarter-master GREGORIO ALTILAR.
Quarter-master PEDRO ORIAOTE.
Quarter-master DONICIO,
(The above Manila, men).

and crew of 64 persons. The ship had on board one thousand and one hundred Chinese troops, including Generals, both artillery and infantery, together with a large number of guns and a great quantity of ammunition. There was on board one Herr von Hannecken who professed to be a passenger. Excepting these, there was no cargo or passenger, the ship carrying water ballast.

The ship was chartered by the Chinese Government. Although the dates of the charter-party has not been ascertained, the Captain received his first order from the agent at Shanghai, and proceeded to Taku, and having received the second order at that place and having taken in there, the Chinese troops and Herr von. Hannecken on board, proceeded for Asan in Corea. The object of her voyage was to disembark at Asan the Chinese troops and Herr von. Hannecken. The Captain was also instructed that he was to return to Taku after the successful disembarkation of the troops.

The survivors of the complement of the "Kowshing" conveyed to Sasebo are the Captain, first officer, and quarter-master Lucus Evangelista, 3 in all. The "Kowshing" left Taku at 9.50 p.m., 23rd ultimo. According to what the Captain says, eight transports carrying Chinese troops left Taku with sealed orders two days previous *i. e.* 21st., and another left on 22nd and proceeded to Asan. According to what the 1st officer of the "Kowshing" states, three of those ten ships were British, seven were Chinese. Although I have good grounds for believing that the the "Kowshing" was also furnished with a sealed order at the time of her departure, yet I reserve the source of this information at present. The statement that many transports with Chinese troops left Taku on the 21st and 22nd. coincides with the intelligence obtained by our authorities, and although their destination is not clearly known, according to the report of the Commander of the "Yayeyama" to me, one of those transports was seen by H. I. J. M's. war-vessel "Musashi" entering into the Gulf of Asan on the day preceding the naval engagement near Fernand Island. That ship may be one that left Taku on the 22nd.

The "Kowshing" proceeded to the proximity of the Sho-pai-oul Island early on the morning of the 25th ultimo and the "Sow-Kou" (Tsaokiang) also approached the same island at a short distance on her right hand side. The naval engegement between 2 Chinese war-vessels "Saiyen" (Chee-yuen) and "Kow-otsu" (Kwang-i) and three of our men-of-war "Akitsusu," "Yoshino," and "Naniwa" took place from 7.5 to 8.15 that morning. The "Saiyen" passed by the "Kowshing" at about 8.30 and hurriedly proceeded westward. The "Kowshing" dipped her ensign but no notice was taken by the "Saiyen." Immediately afterwards, the three Japanese men-of-war appeared on the scene. They were in the pursuit of the "Saiyen." When the "Kowshing" was seen, one of the Japanese war-vessels turned her bow toward the "Kowshing." The "Sow-Kou" (Tsaokiang) observing all these, suddenly changed her course and ran westward. Two of the Japanese war-vessels proceeded in pursuit of the "Saiyen" and "Sowkou." Apropos the "Sowkou" was overtaken by the "Akitsusu" at about 2 p.m. and finally captured. The "Saiyen" which was at first steering round very closely along the island apparently trying to conceal herself as much as possible from the sight of the Japanese vessels, suddenly changed her course, and crossing the course of the "Sow-kou" in her bows at an extremely close distance, made a rapid run south-westward. Her direction was apparently Shangtong Promontory. She escaped at last. If she proceeded direct to Tsen-shien, she must have changed her direction in course of her run.

Our vessel that went toward the "Kowshing" was the "Naniwa." It was about 9 o'clock that they approached each other. As to what then took place between these two vessels, I will give subsequently the captain's own words extracted from the written answer in reply to the query of the naval authorities. The statement of the first officer entirely conicides with that of the Captain and the statement of the quarter-master also in no way differs from them in describing the circumstances of the event. (See Appendix No. 1.).

"When nearing Sho-paioul Island, I was ordered by H. I. J. M's. "Naniwa" to stop "and shortly after to anchor, which I did.

"The "Naniwa" then steamed away evidently for the purpose of conferring with "some other Japanese war-ship; I asked by signal, if I was to proceed, the "Naniwa" "answering "Heave to or take the consequences," and shortly afterwards a boat was sent "from her, the officers in charge coming on board the "Kowshing"; they asked to see my "ship's papers which I showed them, also asked me several questions which I answered;

"they then asked me if I would follow the "Naniwa," I said "yes," that I was powerless "to refuse, as they were a man-of-war; the officers then returned to their ship and shortly "afterwards I was ordered to "slip or weigh anchor immediately," but this the Chinese "Generals on board would not let me do, telling me that if I attempted to follow the ""Naniwa" or if I attempted to leave ship, they would execute or shoot me, pointing me "out to their men, some of whom were told off to watch me, they being either armed "with large swords or rifles with fixed bayonets. I then signalled to the "Naniwa" ""send a boat, I wish to communicate personally;" when the boat arrived, the Chinese "officers would not allow me to go to the gangway to meet the Japanese officers at first, "but when they did allow me I asked the officers to tell their Captain that I was not "allowed to follow the "Naniwa" by Chinese and that the only terms I could make with "them were to take the ship back to Taku, also that we were a British ship and had left "port before war was declared."

"Shortly after the boat returned to the "Naniwa," the latter signalled. "Quit "the ship immediately" I answered "we are not allowed" and "send a boat." The ""Naniwa" then signalled "boat can not come," and shortly afterwards hoisted a red "flag at the fore, sent a torpedo at and opened fire on the "Kowshing," and sank her."

With regard to the resistance of the Chinese General to the Captain's intention I obtained from him further particulars and I was convinced that the Generals were determined to resist *à mort* the orders of the "Naniwa." The written statement of the Captain relating thereto is as follows:—

"When the Chinese Generals heard that I intended to follow the "Naniwa," they, "objected to my doing so saying that 'they would not allow me to follow the Japanese "ship.' I then told them that it was useless to resist as one shot from the "Naniwa" "would sink the "Kowshing"; they said then that they would rather die than follow her "and that they had 1,100 men and the "Naniwa" had only about 400; that they could "fight the "Naniwa." I again told them of the foolishness of this idea, also that if they "wanted to fight, that I and my officers and engineers would go on shore. They then "threatened me, making many gesticulations, that they would execute me or shoot me if "I made any attempt whatever to leave the ship or follow the "Naniwa." " (see Appendix No. 2.).

The time when the "Kowshing" was fired at, was about 40 minutes past noon *i. e.* nearly 4 hours from the moment when she was first ordered to stop by the "Naniwa." Thus we can see that the "Naniwa" had used every ordinary means before she at last appealed to the extreme measure of firing. The report that many Chinese transports left Taku on the 21st. and 22nd. were then already known to all our men-of-war there, and from natural geography of the place round the Sho-pai-oul Island, it must have been most uncertain to our ships when and where any ships of the enemy might come and attack them from behind, so many islands being scattered there. Moreover two companion ships of the "Naniwa," were in search of their enemy and it must have been also very uncertain to the "Naniwa" what kind of severe fighting those two were engaged in with their enemy. At such a critical moment, so long a time as aforesaid was spent in negotiation between the "Kowshing" and the "Naniwa" simply because the "Kowshing" happened to display a national flag of England. This will be quite ample to show what kind of deliberate care was taken by the "Naniwa," and also what amount of untiring patience she must have exercised. Besides these, the clamour and excitement of the Chinese soldiers on board the "Kowshing" was actually seen by the "Naniwa"; it must have been quite impossible on her part to try to capture the "Kowshing" by any common and ordinary measure. This fact is also plain from the statements of the Captain and others on board the "Kowshing." (See Appendixes Nos. 3 and 4.) Thus you will see that the firing of the "Naniwa" was a measure quite unavoidable.

At the time when the "Naniwa" signalled "quit the ship" and warned the "Kowshing" of danger by hoisting a red flag, the Captain of the latter vessel and his officers and others jumped over board one after another. At that moment, the Captain had already collected his officers on the bridge and the emergency was already communicated to the engine department. When the Chinese troops saw the Captain and others jump over board, they at once poured forth their rifle-bullets indiscriminately upon those in water. While these things were going on in the "Kowshing," the "Naniwa" on one hand sent a torpedo against the "Kowshing" first, and when it missed her, fired side-gun which sealed the fate of the "Kowshing" which gradually sank beneath the waves; and on the other hand, dispatched her boats and did her best in rescuing as many foreigners as possible. But alas! only three were saved, that is Captain, first officer and a quarter-master as aforesaid. The Captain and the first officer were fortunately unhurt, but the quarter-master was shot through his neck and is still under medical treatment at the Hospital in Sasebo. As to the remaining members of the crews, their fate is still unknown, but it is most probable that they were mostly killed by the bullets poured down upon them by the Chinese soldiers. This is to be surmised even from the statements of the Captain and others (See Appendixes Nos. 5, 6, and 7.)

I have already stated that there was one von Hannecken on board the "Kowshing." He is said to have professed to be a passenger, but it seems to me very strange that he alone was there while there was not a single passenger besides him. I therefore closely questioned and succeeded in obtaining the written statements (Appendixes Nos. 8, 9, and 10.) from the Captain and two others. After deliberating in my mind comparing these statements with other information which has come into my possession from other sources, I became convinced in belief that he has more than ordinary connection with Chinese Government or troops, and that he should not be considered as a mere ordinary passenger. I heard a report while in Sasebo, that a German from the "Kowshing" had boarded a German war-vessel. He must be von Hannecken.

The Captain and two others were sent to Sasebo on board H. I. J. M. S. "Yayeyama" together with the complement &c. of the captured Chinese war-vessel "Sowkou" (Tsaokiang) and arrived at Sasebo on the 28th ultimo. With regard to their personal treatment, nothing but kindness and courtesy were shown to them from the time of their rescue throughout.

With regard to the relation between the Chinese Government and the owner of the "Kowshing," although I am unable to obtain the details, I have good ground, taking into consideration several surrounding circumstances, in believing that the late affair *i. e.* the "Kowshing" transporting Chinese troops, has more meaning than an affair coming into the company in the ordinary course of the traffic-business. Even from the written statement of the Captain which was obtained in answer to my close question, it is plain that the ship was chartered by the Chinese Government and that it was mentioned in the charter party, that the ship was to be handed over to the Chinese Government, should hostility commence; also the European crew was then to leave the ship (See Appendix No. 11.).

The modes of my making investigations personally of the Captain and two others were thus: I first explained to them the object of my mission to Sasebo and in the next place as I must put several questions to them and cause their statements to be written and signed as far as essential points are concerned, I asked them if they had any ground of objection to my questioning them and also committing to writing such statement. They answered that they had no objection whatever; whereupon I proceeded with necessary investigations. Now that I am writing this report, one thing which I feel most pleasant in my mind is to inform you of the fact that they were all feeling greatly the kindness of the officers on board our men-of-war and the staff-officers of the naval station in regard to their personal treatment for which they expressed the warmest thanks. My investigations were finished in two days. I asked their wishes and was answered that they wished to be sent to Nagasaki. Thereupon, in accordance with your instructions and those of the Minister of Navy I consulted with Admiral Shibayama, Commander-in-Chief of the Naval Station. As a result, an intimation was conveyed to them by the Admiral early in

the morning on the 3rd instant that they would be sent to Nagasaki. The time of departure was fixed by mutual understanding to be at 8 a.m. in the next morning and at the appointed hour, the Captain and his first officer escorted by a staff-officer of the station was sent to Nagasaki on board a steamboat specially dispatched for the purpose. With regard to the quartermaster, he desired to stop a little longer in the Naval Hospital of Sasebo in order to receive further medical treatment and it was assented to.

The preceding statements are the material parts of the matters, of which I have made investigation relating to "Kowshing" affairs. All the documents relating to them are put into a different envelope and presented to you together with this paper. It is not within the sphere of my duty here to discuss the merit of the action of the "Naniwa" from an international law's point of view; it is beyond all doubt from all the facts now in our possession that no impartial critic will ever pronounce that her action was wrong.

Your Obedient Servant

KENCHO SUYEMATSU,

President of the Imperial Board of Legislation.

August 10th, 1894.

APPENDIX.

No. 1.

(Extract from the written statement of the First officer in answer to the questions of the Naval Authorities of the Naval Station, Sasebo.)

I was on watch on the morning of Friday twenty-fifth with the Captain and third mate, nearing Sho-pai-oul Island when we were ordered to stop, by signal from a Japanese man-of-war, we immediately stopped and signalled having done so, then we were ordered by signal to anchor and did so: The man-of-war then steamed away to confer with two other ships of H. I. J. M's. Navy. I then was instructed by Captain Galsworthy to enquire by signal if we could proceed, and was answered by the man-of-war "Heave to or take consequences" After a short interval the "Naniwa" returned and sent a boat to us; the officer in charge examined our papers and returned to the "Naniwa." The signal was then hoisted from the "Naniwa" to "weigh or slip immediately and follow me." This signal excited the Chinese greatly and the General emphatically and with many threats (even to ordering an executioner, and a soldier with loaded rifle to attend immediately behind myself and the Captain) refused to allow the Captain to do. We then signalled to the "Naniwa" "Send a boat, I wish to communicate personally." The "Naniwa," answered "Send immediately" and a boat with same officers came alongside. The Chinese General refused to allow me to be present at the interview, but I understood that the Captain asked to be allowed to return to China. The boat returns to the "Naniwa" and the signal was hoisted to "Quit the ship." We signalled in return that "I am not allowed" and again, "send a boat." The latter signal was answered, by "Life boat cannot come." The Chinese were very anxious to know what we were hoisting and to obtain time to study our position and keep them from joining at us, we told them, that we were asking instructions. The "Naniwa" whistled several times and hoisted a Red Flag at the fore; all our officers were collected on the bridge and word was sent to the engineers' staff to prepare for emergency. A torpedo was discharged from the "Naniwa" followed by a broadside, which struck amidship. I then jumped overboard to avoid a rush on the part of the Chinese soldiers and was fired at on coming to the surface. I swam to the "Naniwa" and was picked up by a boat from the "Naniwa" which had been sent with another boat to pick up the Europeans.

(Extract from the same statement in answer to a question running thus: What orders did the Chinese Generals give at that time.)

Issuing ammunition and rifles to the men and ordering his body-guard to fire at us if we showed the slightest intention of following the "Naniwa" or leaving the ship in any way.

No. 2.

(From the written statement of the First Officer.)

As a fuller account of the resistance to the orders of the warship "Naniwa" by the Chinese is required, I beg to submit the following:

That the Chinese General, on having the instructions explained to him, distinctly refused to allow us to obey and when argued with about the folly of his conduct, threatened our lives and placed men to watch us and to fire at us immediately that we observed any signs of either obeying the orders of the warship "Naniwa" or of leaving the ship ourselves and I was also told by one of the engineers that they had been prevented from going into the Engine Room.

No. 3.

(From the written statement of the Captain.)

I am quite convinced that if the "Naniwa's" men had come in boats to take the "Kowshing" that the Chinese soldiers would have fired at them.

I am certain that the bullets that were falling around me in the water were fired by the Chinese soldiers on board, as, not only did the position of the "Naniwa" prevent anyone on board her reaching me with a bullet, but that I actually *saw* the Chinese soldiers firing at me.

No. 4.

(From the written statement of the First Officer.)

And I am of the opinion that if the Japanese boats came again alongside with the intention of taking the vessel, that the Chinese troops on board would most certainly have resisted with force.

Also that whilest in the water, and swimming from the "Kowshing" I was fired at by the Chinese on board. This, I am certain of, not only from the position I was in regarding the two ships, as the "Naniwa's" shots would have passed over me, but also because I distinctly *saw* the Chinese soldiers firing from the upper deck and also from the twin deck ports.

No. 5.

(From the written statement of the Captain)

By the amount of shots that were fired at me, I should think it very probable, that some of my Officers and Engineers and Quarter-masters must have been killed by shots from the Chinese soldiers' guns.

No. 6.

(From the written statement of the First Officer.)

I am afraid that from the amount of firing by the Chinese at the Europeans whilst in the water, that some of them must have been killed before reaching the shore.

No. 7.

(From the written statement of the Quarter-master)

I looked round but I found neither Captain nor any European officers remaining there; I found a deck bucket which I thought was good enough to save my life, So I jumped into water with it. At the time, I was fired by Chinamen from the scuttles with 5 or 6 rifles at a time, I narrowly escaped from being fatally wounded but got my neck pierced through by a shot. I lost my sense for a while, and when I returned to sense, I cried out. "A Spanish, a Spanish save me etc." and presently I was picked up by a boat which turns out to belong to the Japanese man-of-war. When I was picked up, men in the boat cried "any more Europeans any more European," to which I could give no answer, as I was exhausted. I was the first foreigner who was picked up, soon afterwards the Captain and then the mate was rescued.

No. 8.

(From the written statement of the Captain)

Mr. Von Hannecken, the passenger on board the "Kowshing" I fancy was a German. He joined the vessel at Taku just before she left; on arriving on board he asked me if I had been waiting for him? I answered No, that I even did not know that he was coming. He then told me his name was Von Hannecken and that he had the Viceroy's permission to proceed to Corea in the "Kowshing." He had a lot of conversation with the Chinese Generals and other Chinese officials on board during the voyage, which naturally led me to suspect that he was in some way connected with their business, although he told me that he had nothing to do with them. He acted as interpreter between the Chinese and myself. Mr. Von Hannecken was a big man of fine physique, I saw him last after the "Kowshing" sunk, in the water some good way ahead of me and should fancy that he would reach the island of Shopaioul.

I first heard of Mr. Von Hannecken, I think it was in 1887, he was then the head of a firm of contractors who were building a dock at Port Arthur (Lee-shun-kau).

No. 9.

(From the written statement of the First Officer.)

Among the Europeans on board the "Kowshing," but not belonging to the ship's company, was one gentleman, whom I believe was a German and apparently a military man from his bearing. He was evidently known to the Chinese officials on board and spoke their language fluently, though he stated that he was only a passenger going to "Korea" for his own pleasure On several occasions when I wanted various things done by the soldiers such as keeping certain parts of the ship clear for our use and other things, I went to him and he always managed to effect the work or thing I required. Also during the period previous to the "Naniwa" opening fire on us he was on close consultation with the Chinese Generals.

When I last saw him he was well on his way to Sho-pai-oul Island and swimming powerfully and well. He was apparently a man about 40 years old, above the average height and with dark hair and moustache with a decided military bearing.

No. 10.

(From the written statement of Quarter-master.)

There was one passenger on board. I consider he was a German. He was in constant conversation with Chinese officer. I think he was a sort of Chinese General, although there were two other real Chinese Generals.

No. 11.

(From the written statement of the Captain.)

I understood by the terms of the Charter Party, that in the event of hostilities taking place between China and Japan, that the "Kowshing" was to be taken over by the Chinese Government and also that the European officers were to leave the ship.

REPORT

WITH REGARD TO MR. MUHLENSTETH.

His Excellency
Mr. MUTSU MUNEMITSU,
Minister for Foreign Affairs.

Sir:

The result of investigations which I have made while in Sasebo and the measure I have taken therewith in accordance with your instructions, concerning Mr. H. J. Muhlensteth, a Dane, who was found on board the "Tsao-kiang" the captured Chinese man-of-war, are as follows:

His profession is a telegraph constructor and operator.

He came to China under a six years agreement with the Great Northern Telegraph Company in 1881 and remained in the service of that Company until 1886, when he was engaged by the Imperial Chinese Telegraph Administration and was sent at once to Corea. It is said that he took a prominent part in the construction of the Chemulpo, Seoul and Echow telegraph line. He remained as a telegraph engineer in that country until May last year and was transferred to Tientsin that month as an assistant to the manager of the Telegraph Office there.

According to what he says the office in which he served is called Imperial Chinese Telegraph Administration and he says that it is under a quite distinct administration from the lines belonging to the Central Chinese Government.

The Chemulpo, Seoul, Echow line is under the control of so called Imperial Chinese Telegraph Administration. The latter has its Central Office at Tientsin and is controlled by a Taotai specially appointed for the purpose.

He confessed that, although his contract expired on the 10th of march this year and it had not been renewed as yet because the original contract, which was to be produced to get the necessary endorsement affixed, was in safe keeping in the Imperial German Consulate in Seoul, yet he did not consider his connection with the Imperial Chinese Telegraph Administration severed, as he had been still paid his salary as before.

The amount of his salary at present 250 dollars per month.

He says that he has saved over 8,000 dollars and that besides, he possesses some property and moneyed interests in Seoul.

According to his statements his voyage to Corea this time was principally to protect his property as a war seemed to be at hand and he was instructed by the Taotai to look after as much as possible the property belonging to Imperial Chinese Telegraph Administration should it be endangered by the war; although he says, he was not specially dispatched for that purpose.

He further stated that the ownership of Chemulpo, Seoul, Echow line could be transferred to the Corean Government should the latter pay for them but until then it belonged to the Imperial Chinese Telegraph Administration and also that buildings of the Telegraph Office at Seoul belonged to the Corean Government so that the property he was instructed to look after virtually meant only the telegraph instruments and office fixtures in Seoul and the house and its contents in Chemulpo.

He added that he was going to Corea on two month's leave and boarded the "Tsao-Kiang" at Cheefoo by introduction of the Taotai.

I cannot vouchesafe whether the foregoing has exhausted all facts which concern him but I considered his confession that he was still connected with the Imperial Chinese Telegraph

Administration was enough to decide upon what measures should be taken about him. So I refrained from questioning him further.

With regard to his capture with the ship he distinctly stated that he could not blame the Imperial Japanese Government; in fact, he could not see how the Naval Authorities could have acted otherwise under the circumstances.

He further stated that during his detention on board as well as on shore, he had met with nothing but courtesy and had nothing whatever to complain of. He said that if he had known that the war was so near at hand he should not have attempted to go to Corea at all under any circumstances.

He regretted that he boarded the "Tsao-kiang," because of China merchants ships and those of Nippon Yusen Kaisha stopping their services between China and Corea. He grieved that his health was not good recently and lamented that his future would be entirely ruined, should his detention be prolonged.

He proposed to offer any kind of pledge could he be released by giving any pledge. Thereupon, I caused him, in accordance to your instructions, to give pledge, as shown in the accompanying document, that during the war he would not serve the Chinese Authorities either Central or Local, that he would do nothing prejudicial to the interests of Japan, and that he would neither visit nor reside in any Chinese port North of Shanghai nor in any port of Corea at all. When this was done I consulted with Admiral Shibayama, Commander-in-Chief of the Sasebo Naval Station, in accordance with your instructions and those of Minister of Marine and decided to send him to Nagasaki in compliance with his (*i. e.* Mr. Muhlensteth's) desire.

This was intimated to him by Admiral Shibayama early in the morning of 6th instant and he was sent to Nagasaki escorted by a Staff-officer of the Naval Station.

The foregoing are important points of investigations made and the result obtained with regard to the Dane taken prisoner on board the "Tsao-kiang" and I have the honor to respectfully submit them to you.

Your Obedient Servant,

(Signed) K. SUYEMATSU,

President of the Imperial Board of Lejislation.

August 10th, 1894.

(APPENDIX.)

I hereby pledge my word willingly and freely to the Imperial Japanese Government through its Representative His Excellency K. Suyematsu, President of the Imperial Board of Legislation not to act or serve the Local or Central Government of China during the war carried on between Japan and China nor to take any steps prejudicial to the interests of Japan during the said war and further that I will not reside in or visit any port in China north of Shanghai nor go to Korea at all so long as the war is carried on. The above statement is written on the understanding that the conditions are binding only so long as the present war is unterminated.

(signed) H. J. MUHLENSTETH.

Sasebo, August 5th, 1894.

3RD ASSISTANT SECRETARY.
Ark. Sfr
SEP 11 1894

Acknd Sept 12 DIPLOMATIC BUREAU
SEP 11 1894

No. 144.

DEPARTMENT OF STATE
SEP 11 1894
RECEIVED

Legation of the United States,
Tokyo, Japan, August 14, 1894.

Mr. Dun
to the Secretary of State

Subject:
Engagements between Japanese
and Chinese forces

No. 146.

Legation of the United States,
Tokyo, Japan, August 14, 1894.

Honorable W. Q. Gresham
Secretary of State,
Washington, D. C.

Sir:

In my despatch No. 126, of date the 3rd instant, I reported to you that a severe engagement had taken place between the Japanese and Chinese troops near Asan, (or Gayan), Korea, and that the Japanese were victorious. The next day,

July

July 30th. the Japanese advanced on Asan and occupied the place without serious opposition. The Chinese forces at Asan seem to have been completely disorganized by their defeat of the 29th July, and, since then, have not been located as a force with power of resistance.

The Japanese army in Korea has been greatly re-inforced: it is now supposed to number about twenty-five thousand men. I understand that a strong force has been sent northward from Seoul to

repel

No. 1464 2

repel the Chinese forces that have entered Korea from that direction.

Since the naval engagement on July 28th, the Chinese fleet has concentrated at Port Arthur and Wei-hai-wei at the north and south of the entrance to the Gulf of Pechili. It has shown no disposition to act on the offensive, but rather to await for the Japanese to take the initiative.

I have information from a reliable official source that

that the Japanese fleet was to make a demonstration against Port Arthur on the 10th instant with the object in view of forcing the Chinese vessels to come out and fight in the open sea. Should the Japanese fail in bringing on a general engagement by their demonstration against Port Arthur, they were to attack Wei-hai-Wei on the 11th or 12th instant and force a naval battle.

News of a more or less decisive engagement is expected here at any time and unauthenticated

unauthenticated rumors of such an engagement have already been received, but the Naval Authorities in Tokyo are not yet in receipt of any information of a reliable character.

I have the honor to be,

Sir,

Your obedient servant,

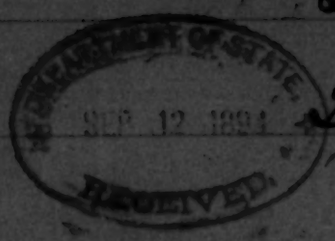
Edwin Dun

No. 145.

COPIED. FOREIGN RELATIONS.

Legation of the United States,

Tokyō, Japan, August 21st 1894.



Mr. Dun

To the Secretary of State

SEP 18 1894

Subject

Japan withdraws from negotiations relative exemption of private merchant-vessels from seizure by belligerents.

No. 145. Legation of the United States,

Tokyō Japan, August 21, 1894.

Honorable W. Q. Gresham,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to enclose herewith copy of a note, of date the 18th instant from, H.I.J. His Minister for Foreign Affairs, requesting me to inform Mr. Denby by telegraph that the Japanese Government definitely withdrew from the negotiations regarding the proposed exemptions of private ships from capture and explaining to me the reasons for this action on the part

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I

of the Japanese Government.

I also have the honor to enclose a reading of Mr. Denby's last telegram on the subject referred to in Mr. Mutsu's note of the 18th instant, and of my telegram dated the 19th instant sent to Mr. Denby in compliance with Mr. Mutsu's request.

I have the honor to be,

Sir,

Your obedient servant

Edwin Dun

Enclosures:-

(1) Mr. Mutsu to Mr. Dun, Aug. 18/94

(2) Telegram Mr. Denby & Mr. Dun, Aug 19/94

(3) Telegram Mr. Dun to Mr. Denby, Aug. 19/94

Enclosure with Mr. Dun's No. 145.

Translation copy.

No. 73. Department of Foreign Affairs, Tokio, the 18th day, the 8th month, the 27th year of Meiji (August 18, 1894).

His Excellency

Edwin Dun,

Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

Sir:-

I have had the honor to receive Your Excellency's note of the 15th instant, enclosing a further telegram from the United States Charge'd'Affaires at Peking.

I beg to request that Your Excellency will have the kindness to inform Mr. Denby by wire that the Imperial Government definitely withdraw from the negotiations regarding the proposed exemption of private ships from capture.

The Imperial Government do not feel called upon to explain to the Chinese Government the reasons underlying their resolution, but the courteous action of Your Excellency and Mr. Denby, make them especially anxious that you should not remain in ignorance of the actual grounds upon which their determination rests.

The position in which Mr. Denby's last telegram placed the question, left, in the estimation of the Imperial Government, no room for hope that a satisfactory accommodation on the subject was possible, and a no less serious obstacle to the conclusion of an arrangement is

the

the fact which has but recently come to the knowledge of the Imperial Government that the Chinese Government is still holding the vessel, the alleged unconditional release of which, was advanced as the pretext for the proposed general understanding.

Thanking Your Excellency for your courtesy in this matter and requesting you to convey to Mr. Denby the expression of my high appreciation of his kindness, I beg to renew to Your Excellency the assurances of my highest consideration.

Signed - Mutsu Munemitsu,

Minister for Foreign Affairs.

Enclosure 2 with Mr. Dun's No.

Telegram.

Mr. Denby to Mr. Dun.

Peking August 15, 1894, 1-25 p.m.

American Minister Tokio.

Chinese Government consents to exemption without defining contraband of war for coasting trade and foreign neutral ports. Japanese vessels will not be allowed to visit Chinese ports.

Denby.

Enclosure 2 with Mr. Dun's No.

Telegram.

Mr. Denby to Mr. Dun.

Peking August 15, 1894, 1-25 p.m.

American Minister Tokio.

Chinese Government consents to exemption without defining contraband of war for coasting trade and foreign neutral ports. Japanese vessels will not be allowed to visit Chinese ports.

Denby.

Enclosure 3 with Mr. Dun's No.

Telegram.

Mr Dun to Mr. Denby.

Tokio August 19, 1894.

American Minister Peking.

Japanese Government refuse proposals relative to the exemption of private vessels from capture and withdraw from negotiations.

Dun.

No. 146

COPIED. FOREIGN RELATIONS.

3RD ASSISTANT SECRETARY.

Legation of the United States,

Tokyo Japan, August 20th 1894.

DEPARTMENT OF STATE. SEP 13 1894 RECEIVED.

Mr. Dun,

To the Secretary of State

DIPLOMATIC BUREAU. SEP 13 1894

Ack'd 14th Sept. 9 a. m.

Subject.

Measures taken by U.S. Consul at Kōbe

for relief of Chinese seamen

No. 146. Legation of the United States,

Tokyo Japan, August 21st 1894.

Honorable W. Q. Gresham,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to enclose herewith copy of correspondence between N.W. McIvor Esq. United States Consul General at Kanagawa, and myself, relating to measures taken by E.J. Smithers Esq. United States Consul at Osaka and Hiogo for the relief of twenty-eight destitute Chinese seamen, and to some arrangement for the payment of expenses incurred by Consular

1. 2. 3

officers

officers in giving relief to indigent Chinese sailors and subjects.

I also enclose reading of my telegram of date the 21st instant to Mr. Denby, sent at the request of Consul General McIvor, asking him to ascertain if the Chinese Government will place a credit at Washington to cover the necessary expenditure that such cases may call for.

I have the honor to be,

Sir.

Your obedient servant,

Edwin Dun

Enclosures:-

(1) Mr. McIvor to Mr. Dun. Aug. 16/94

(2) Mr. Dun to Mr. McIvor, Aug 17/94

(3) Mr. McIvor to Mr. Dun Aug 16/94

(4) Telegram Mr. Dun to Mr. Denby Aug 21/94

Enclosure - 1 - with Mr. Dun's No. 146

Copy.

No. 361. United States Consulate General,

Kanagawa (Yokohama) Japan, Aug. 16, 1894.

His Excellency,

Edwin Dun,

Envoy Extraordinary and Minister Plenipotentiary of

the United States Tokio.

Sir:-

I have the honor to inform you that our consul at Hiogo reports that the British ship "Gwalior" delivered to him, on the 11th instant, 23 ship-wrecked Chinese sailors taken from a dismasted junk, 100 miles E.N.E. of of the island of Formosa. He has receipted to the Captain of the vessel for these men and has placed them in the Chinese boarding house with the purpose of returning them as soon as he can to China.

The Consul says that he has no doubt that the Chinese Government will refund the outlay which he has made and will make in such matters, but, asks my advice as to whether he had better send his accounts and vouchers through the Government at Washington or through our Legation at Tokio for forwarding to our Legation at Peking.

I am personally of the opinion that he could only forward these accounts through the Washington Government, but, I hesitated to give him that advice until I had made sure that you had not made some more direct

arrangement

arrangement covering such matters with the former Chinese Minister at Tokio.

I, therefore, submit the matter for your instruction on this point. Regretting that it is necessary to trouble you with it,

I have the honor to be

Sir,

Your obedient servant,

N. W. Mc Ivor,

Consul General.

Enclosure - 2 - with Mr. Dun's No. 146

Copy.

No. 94.

Legation of the United States,

Tokio, August 17, 1894.

N. W. Mc Ivor Esq.

United States Consul General Kanagawa (Yokohama).

Sir:-

I have to acknowledge the receipt of your No. 361, of date the 16th instant, relative to the rescue of 28 ship-wrecked Chinese and the measures being taken for their relief by our Consul at Hiogo.

No arrangement whatever covering the relief of destitute Chinese seamen was made by me with the former Chinese Minister here.

I quite concur in your opinion that Mr. Smithers could only forward his accounts in the matter through the Department, as that is the only proper channel through which to reach our Legation at Peking.

In case other difficulties in connection with this matter should arise, I shall, if necessary, at your request, communicate by telegraph, through our Charge'd' Affaires at Peking, with the Chinese Government.

I am Sir,

Your Obedient servant,

Edwin Dun.

Enclosure - 3 - with Mr. Dun's No. 146.

Copy.

No. 367. United States Consulate General,

Kanagawa (Yokohama) Japan, August 18, 1894.

His Excellency,

Edwin Dun,

Envoy Extraordinary and Minister Plenipotentiary of

the United States, Tokio.

Sir:-

I have the honor to acknowledge the receipt of your instruction No. 94 under date August 17, 1894,. Allow me to thank you for your expression of a willingness to arrange, by telegraph, through our Legation at Peking, for the payment of expenses incurred by Consular officers in giving relief to indigent Chinese sailors and subjects

In view of the fact that such cases are apt to arise at any time and in view of the inconvenience of communicating with the Peking Government through Washington, I have the honor to express the opinion that it is most advisable to take advantage of your offer, and, I therefore, make the request in behalf of the Consular service that you make such arrangement of this matter, through the Legation at Peking, as you may think advisable.

I have the honor to be

Sir,

Your obedient servant,

N. W. Mc Ivor,

Consul General.

Enclosure - 4 - with Mr. Dun's No. 146.

Telegram.

Mr. Dun to Mr. Denby.

Tokio August 21, 1894.

American Minister Peking.

Twenty-eight destitute Chinese sailors landed at Kobe, the United States Consul assumed charge paying necessary expenses. Will the Chinese Government place a credit at Washington to cover necessary expenses to relieve destitute Chinese in Japan.

Dun.

No. 147.

Legation of the United States,
Tōkyō, Japan, August 22nd 1894.

DEPARTMENT OF STATE
SEP 12 1894
RECEIVED

Mr. Dun
To the Secretary of State.

DIPLOMATIC BUREAU
SEP 13 1894

Subject.

Torpedoes to be laid at entrances to
Gulf of Tōkyō and Nagasaki Harbor.

No. 147.

Legation of the United States,
Tōkyō, Japan; August 22nd 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D.C.

Sir:-

I have the honor to enclose herewith, copy of a note from H.I.J. His Minister for Foreign Affairs of date the 16th instant, informing me that torpedoes would be laid in the gulf of Tōkyō and harbor of Nagasaki, and enclosing directions for the guidance of vessels entering and leaving those places, I have also, the honor to enclose copies of

of a notice to captains and masters of American vessels, which I caused to be published, and which contains the directions referred to above.

I have the honor to be,

Sir,

Your obedient Servant,

Edwin Dun

Enclosures:—

(1) Mr. Motono to Mr. Dun. Aug. 16/14

(2) Notice to Captains and Masters of American vessels Japan Daily Mail Aug. 15/14.

Enclosure - 1 - with Mr. Dun's No. 147.

Translation copy.

No. 33. Department for Foreign Affairs, Tokio, the 16th day, the 8th month, the 27th year of Meiji (August 16 1894).

His Excellency,

Edwin Dun,

Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

Sir:-

I have the honor to inform Your Excellency that as submarine torpedoes are to be laid down at the entrances to the Gulf of Tokio and Nagasaki harbor, it has been determined by the Imperial Government that after the noon of the 22nd instant all vessels shall be prohibited to enter or leave the Gulf or Harbor without the conduct of a pilot vessel having on board an officer of the Imperial Navy in charge of the pilotage and no vessel shall be permitted either to enter or to leave the said places between sunset and sunrise, and therefore I beg to forward herewith for Your Excellency's reference copies of directions for vessels entering or leaving those places and translations of the same together with two leaves of charts.

I beg to inform you further that I am in receipt of a communication from the authorities concerned that as the date of the enforcement of the above order is so near at hand, foreign vessels arriving from distant

places

places and which may not be acquainted with the regulations in question, will be notified to the above effect by the pilot vessels referred to.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Signed - Mutsu Munemitsu,

Minister for Foreign Affairs.

Duplicate Enclosure No. 2 with Mr. Dun's No. 147.

New Advertisements.



NOTICE.

To the CAPTAINS and MASTERS of AMERICAN VESSELS entering or leaving the Ports of YOKOHAMA and NAGASAKI.

THE Undersigned has been informed by HIS IMPERIAL JAPANESE MAJESTY'S MINISTER FOR FOREIGN AFFAIRS that as SUBMARINE TORPEDOES are to be laid down at the entrances to the GULF of TOKIO and NAGASAKI HARBOUR, it has been determined by the Imperial Japanese Government that, after the Noon of August 22nd, 1894, NO VESSEL will be PERMITTED to ENTER or LEAVE the GULF of TOKIO or the PORT of NAGASAKI without the conduct of a PILOT VESSEL having on board an OFFICER of the IMPERIAL JAPANESE NAVY in charge of the Pilotage, and no Vessel will be permitted to enter or to leave the said places BETWEEN SUNSET and SUNRISE.

Vessels arriving from distant places and which may not be acquainted with the Regulations in question will be notified to the above effect by the Pilot Vessels referred to

EDWIN DUN,
Envoy Extraordinary and Minister Plenipotentiary of the United States.

Legation of the United States,
Tokio, August 17th, 1894.

DIRECTIONS for VESSELS PASSING THROUGH the ENTRANCE to the GULF of TOKIO.

1.—Every Vessel bound for Yokohama passing through the entrance to the Gulf of Tokio shall stop her progress at a short distance before reaching a straight line connecting Ise-yama on the South side of Uraga, and Kokubono-hana, Awa.

And, also, every Vessel coming from Yokohama and passing through the entrance to the Gulf of Tokio shall stop her progress at a short distance before reaching a straight line connecting Tado-zaki and the Northern extremity of Sarushima.

In either case the Vessel shall ask for pilotage by making the undermentioned signals:

(*a*) STEAMSHIPS to give THREE LONG BLASTS of STEAM WHISTLE in succession, and hoist "M" Flag of International Code of Signals.

(*b*) SAILING SHIPS to HEAVE TO, and hoist "M" Flag of International Code of Signals.

2.—Pilot Vessels having Officers of the Imperial Japanese Navy on board have for their sign "N" Flag of International Code of Signals HOISTED on their MAINMASTS.

DIRECTIONS for VESSELS ENTERING or LEAVING NAGASAKI HARBOUR.

1.—Every Vessel leaving Nagasaki Harbour shall hoist "M" Flag of International Code of Signals as soon as she has weighed her anchor, and, if such Vessel is a Steamer, she shall give THREE LONG BLASTS of STEAM WHISTLE in succession, and, when she has reached Kosuge-bana, she shall pass the Harbour under the guidance of a Pilot Vessel until she comes to Hirase abeam.

2.—Every Vessel entering Nagasaki Harbour shall stop her progress outside of a straight line connecting Hirase and Nikkose, and shall ask for Pilotage by making the undermentioned Signals:—

(*a*) STEAMSHIPS to give THREE LONG BLASTS of STEAM WHISTLE in succession, and hoist "M" Flag of International Code of Signals.

(*b*) SAILING SHIPS to HEAVE TO, and hoist "M" Flag of International Code of Signals.

3.—Pilot Vessels having the Officers of the Imperial Japanese Navy on board have for their sign "N" Flag of International Code of Signals HOISTED on their MAINMASTS.

August 18th, 1894. IW.

No. 148

Enclosure filed under Korea

3RD ASSISTANT SECRETARY.
Sept 12 1894

Received Sept. 14.

Legation of the United States,

Tokyō, Japan, August 22", 1894.

DEPARTMENT OF STATE
SEP 12 1894
RECEIVED.

SEP 18 1894

Mr. Dun

To the Secretary of State.

Subject:

Transmitting dispatch of Mr. J. M. B. Sill

U.S. Minister Resident, Korea to the Department.

No. 148.

Legation of the United States,
Tokyo, Japan, August 22nd 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to enclose herewith dispatch No. 38, of date the 3rd instant from John M. B. Sill Esq., United States Minister to Korea to the Secretary of State. This dispatch was received by me on the 19th instant in an open envelope which was enclosed in an envelope addressed to me, together with a personal note from H. N. Allen Esq.

Secretary

Secretary of Legation at Seoul,
requesting me to forward the dispatch
to you.

I have the honor to be,

Sir,

Your obedient servant

Edwin Dun

Enclosure:-

Mr. Sill's dispatch to the
Secretary of State.

3RD ASSISTANT SECRETARY
Ark. Hill
12 1894
COPIED. FOREIGN RELATIONS.
SEP 13 1894

No. 149.

Legation of the United States,

Tokyō, Japan, August 22. 1894

DEPARTMENT OF STATE
SEP 12 1894
RECEIVED.

Ark'd Sept. 14.

Mr. Dun

to the Secretary of State.

Subject.

The Situation in Korea.

3RD ASSISTANT SECRETARY
SEP 12 1894
COPIED. FOREIGN RELATONS.
SEP 18 1894

No. 149.

Legation of the United States,

Tokyō, Japan, August 22. 1894

Rec'd Sept. 14.

DEPARTMENT OF STATE
SEP 12 1894
RECEIVED.

Mr. Dun

to the Secretary of State.

Subject.

The Situation in Korea.

No. 149.

Legation of the United States,
Tōkyō, Japan, August 22nd 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D.C.

Sir:

Since my despatch No. 144 of date the 14th instant was written no news of interest or importance has been received from the seat of war. In my despatch No. 144, I reported that news of a more or less decisive naval engage=ment was expected at any time.

It seems that the Japanese fleet proceeded to Wei-hai-wei on the 10th instant; but after exchanging

exchanging a few shots with the forts at that place, they retired as it was ascertained that the Chinese fleet was not there. It was also ascertained that the Chinese fleet was not at Port Arthur. It is supposed to be hiding at some other place within the Gulf of Pechili. An Engagement is expected to take place between the Japanese and Chinese troops near Heijo or Phyöng Yang, about one hundred miles North of Seoul, Korea. The Japanese forces sent north from Seoul has reached the neighborhood of Heijo, and it is reported that a strong force of Chinese is also near there.

I have the honor to be, Sir,
Your obedient Servant
Edwin Dun

No. 150.

Legation of the United States.

Tōkyō, Japan, August 22nd 1894.

DEPARTMENT OF STATE
SEP 12 1894
RECEIVED.

Mr. Dun

To the Secretary of State,

DIPLOMATIC BUREAU
SEP 13 1894

Acd. 14 Sept. 94 M

Ack. M. J. Leake 14 Sept. 94 M

Subject.

Information concerning Mrs. J. Lindsay

Patton of Mayebashi Japan.

No. 150.

Legation of the United States,
Tokyō, Japan, August 22nd 1894.

Honorable W. Q. Gresham,
Secretary of State,
, Washington, D.C.

Sir:

Referring to your instruction No. 78 of date July 18th, 1894, enclosing copy of a letter from Mr. W. J. Lake of Richmond Virginia, making inquiry concerning his daughter, wife of the Reverend J. Lindsay Patton, residing at Mayebashi, Japan, I have the honor to enclose herewith copy of a letter addressed to Dr. W. N. Whitney Interpreter of this Legation

Legation from Mrs. Patton, of date the 21st instant. This letter would, doubtless, relieve Mr. Leake of any anxiety he may still have in regard to Mrs. Patton's safety.

As you will please observe Mrs. Patton's letter was written at Karuizawa, a pleasant summer resort in the mountains of Central Japan.

I have the honor to be,

Sir,

Your obedient servant

Edwin Dun

Enclosure:-

Mrs. Patton to Mr. Whitney Aug 21/94.

Enclosure with Mr. Dun's No. 150.

Copy.

Karuizawa, August 21, 1894.

Dear Doctor:-

Thank you very much for your prompt response to my request for a passport.

In the absence of Mr. Patton I will say that I am Mrs. J. Lindsay Patton who was inquired for by Mr. Wm. Josiah Leake of Richmond Va., and that I am alive, well, and uninjured by the earthquake. I have written regularly to my Father and suppose the mails were interfered with by the strikers.

Thanking you for your trouble &c.,

I am, very sincerely,

Fanny K. Patton.

TELEGRAM RECEIVED.

From Dun, Tokio

Aug 25, 1894.

Received M.

Gresham
Washington

The ratifications of the treaty were exchanged between Japan (and) Great Britain to-day.

Dun.

No. 151.

File

SEP 22 1894

Legation of the United States,
Tōkyō, Japan. August 27. 1894

DEPARTMENT OF STATE
SEP 22 1894
RECEIVED

Mr. Dun

To the Secretary of State

Subject.

Receipt of Instructions

No. 151.

Legation of the United States,
Tōkyō, Japan, August 27, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of instructions numbered 68 to 89 inclusive, and telegrams dated June 29th, July 1st, 8th, 27th, 27th, 29th and August 3rd 1894.

I have the honor to be,
Sir,
Your obedient servant,
Edwin Dun

No. 152.

Legation of the United States.

Tōkyō, Japan, August 27th 1894.

DEPARTMENT OF STATE
SEP 22 1894
RECEIVED

DIPLOMATIC BUREAU
SEP 24 1894

Mr. Dun.

To the Secretary of State.

Subject.

Correcting wrong impression conveyed in Mr. Dun's dispatch No. 106.

No. 152. Legation of the United States,

Tokyo, Japan, August 27. 1894.

Honorable W. Q. Gresham.

Secretary of State,

Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your instruction No. 89, of the 31st ultimo, relative to my despatch No. 106 of date June 29th. 1894. In the last paragraph of your instruction you refer to my despatch (No. 106) in the following terms: "It is assumed that the "concluding sentences of your despatch "report the views of Mr. Hayashi, as "to the outcome of the quarrel, al= "though it is not clear as the

"paragraph"

"paragraph reads. The anti-Chinese
"spirit that pervades the passage
"would clearly be more appropriate
"coming from the Minister than from
"you by way of comment on the
"situation. It is hardly necessary
"to remind you of the absolute
"neutrality of your Government
"in the present unhappy contest."
I hasten to disavow any intention
of expressing in my despatch No.
106 an anti-Chinese spirit.

In the passage referred to, my
only desire was to convey to you
the impression left upon my
mind, after the interview with
Mr. Hayashi, of the feeling and
intentions of the Japanese Gov=
=ernment towards China. It
was

was not my intention or wish
to make any personal comment
whatever upon the situation
but only to express to you the
idea that had been conveyed
to my mind by statements
made by the Minister and
Vice-Minister for Foreign
Affairs of the position, whether
right or wrong, taken by Japan
in regard to China.

Upon again reading the
passage in my despatch
referred to in your instruction,
I recognize that it does not
clearly convey the idea in-
tended to the exclusion of
the interpretation which
you justly observe might
be

"paragraph reads. The anti-Chinese
"spirit that pervades the passage
"would clearly be more appropriate
"coming from the Minister than from
"you by way of comment on the
"situation. It is hardly necessary
"to remind you of the absolute
"neutrality of your Government
"in the present unhappy contest."
I hasten to disavow any intention
of expressing in my despatch No.
106 an anti-Chinese spirit.

In the passage referred to, my
only desire was to convey to you
the impression left upon my
mind, after the interview with
Mr. Nayashi, of the feeling and
intentions of the Japanese Gov=
=ernment towards China. It
was

was not my intention or wish to make any personal comment whatever upon the situation but only to express to you the idea that had been conveyed to my mind by statements made by the Minister and Vice-Minister for Foreign Affairs of the position, whether right or wrong, taken by Japan in regard to China.

Upon again reading the passage in my despatch referred to in your instruction, I recognize that it does not clearly convey the idea intended to the exclusion of the interpretation which you justly observe might be

be placed upon it. I therefore beg that you will accept my apology for the want of care in the wording of the despatch.

I have the honor to be

Sir,

your obedient servant,

Edwin Dun

COPIED. FOREIGN RELATIONS

3RD ASSISTANT SECRETARY.
SEP 22 1894

SEP 22 1894

No. 153.

Legation of the United States,
Tokyo, Japan, August 31, 1894.

DEPARTMENT OF STATE
SEP 22 1894
RECEIVED

Mr. Dun
to the Secretary of State.

Subject:
Chinese Government will pay expenses of return of destitute Chinese seamen now in Japan.

No. 453

Legation of the United States,
Tokyo Japan August 21st 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D.C.

Sir:

Referring to my No. 446, of date August 21st 1894, relative to measures taken by H. J. Smithers Esq. United States Consul at Osaka and Hiogo, for the relief of twenty eight destitute Chinese seamen, and my telegraphic

inquiry

3

inquiry to Mr. Denby if the Chinese Government should make some arrangement to cover necessary expenditure by our Consuls in Japan for the relief of indigent Chinese visitors and subjects, I have the honor to enclose herewith a reading of a telegram from Mr. Denby in reply to my inquiry which I have communicated to N. W. McDoor, Esq., United States Consul General at Kanagawa.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure. Reading of telegram.

Enclosure with Mr. Dun's No. 153.
Copy.

Read ing of a cipher telegram from Mr. Denby, Charge d'Affaires of the United States at Peking.

"Peking, August 25, 1894.

"American Minister, Tokio.

"Chinese Government authorizes "draft against me necessary expenses including their "shipment Shanghai twenty-eight sailors. All other "destitute Chinese should be provided for by their "guilds.

"Denby."

3RD ASSISTANT SECRETARY.
SEP 22 1894

DIPLOMATIC BUREAU.
SEP 22 1894

No. 154.

Legation of the United States,
Tokyo, Japan, August 31, 1894.

DEPARTMENT OF STATE.
SEP 22 1894
RECEIVED.

Mr. Dun
to the Secretary of State.

Subject:
Treaty between Japan and Great Britain.

No. 154.

Legation of the United States.
Tokyo, Japan, August 31, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to enclose herewith, in duplicate, a printed copy of the "Treaty of Commerce and Navigation Between Japan and Great Britain and" "Protocol with Tariff" the ratifications of which were exchanged at Tokyo, August 25th, 1894. I also have the

the honor to enclose translation clipped from the "Japan Mail" of 30th instant, of an Imperial Rescript dated August 24th ratifying said treaty.

I have been informed by the Minister for Foreign Affairs that the translation was prepared at the Foreign Office and is correct.

The treaty was published in the "Official Gazette" of August 28, 1894.

"I have the honor to be

Sir,

Your obedient servant

Edwin Dun

Enclosures: 1. Copy of treaty in duplicate
2. Translation of Imp. Rescript

TREATY

OF

COMMERCE AND NAVIGATION

BETWEEN

JAPAN AND GREAT BRITAIN

AND

PROTOCOL WITH TARIFF.

TREATY OF COMMERCE AND NAVIGATION,

BETWEEN

JAPAN AND GREAT BRITAIN.

Signed at London, 16th day of the 7th month, 27th year of Meiji. Ratifications exchanged at Tokio, 25th day of the 8th month, 27th year of Meiji.

HIS Majesty the Emperor of Japan, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, being equally desirous of maintaining the relations of good understanding which happily exist between them, by extending and increasing the intercourse between their respective States, and being convinced that this object cannot better be accomplished than by revising the Treaties hitherto existing between the two countries, have resolved to complete such a revision, based upon principles of equity and mutual benefit, and, for that purpose, have named as their Plenipotentiaries, that is to say:

His Majesty the Emperor of Japan, Viscount Aoki Siuzo, Junii, first class of the Imperial Order of the Sacred Treasure, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of St. James';

And Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honourable John, Earl of Kimberley, Knight of the Most Noble Order of the Garter, &c., &c., Her Britannic Majesty's Secretary of State for Foreign Affairs;

Who, after having communicated to each other their Full Powers, found to be in good and due form, have agreed upon and concluded the following Articles:—

ARTICLE I.

The subjects of each of the two High Contracting Parties shall have full liberty to enter, travel, or reside in any part of the dominions and possessions of the other Contracting Party, and shall enjoy full and perfect protection for their persons and property.

They shall have free and easy access to the Courts of Justice in pursuit and defence of their rights; they shall be at liberty equally with native subjects to choose and employ lawyers, advocates, and representatives to pursue and defend their rights before such Courts, and in all other matters connected with the administration of justice they shall enjoy all the rights and privileges enjoyed by native subjects.

In whatever relates to rights of residence and travel; to the possession of goods and effects of any kind; to the succession to personal estate, by will or otherwise, and the disposal of property of any sort in any manner whatsoever which they may lawfully acquire, the subjects of each Contracting Party shall enjoy in the dominions and possessions of the other the same privileges, liberties, and rights, and shall be subject to no higher imposts or charges in these respects than native subjects, or subjects or citizens of the most favoured nation. The subjects of each of the Contracting Parties shall enjoy in the dominions and possessions of the other entire liberty of conscience, and, subject to the Laws, Ordinances, and Regulations, shall enjoy the right of private or public exercise of their worship, and also the right of burying their respective countrymen, according to their religious customs, in such suitable and convenient places as may be established and maintained for that purpose.

They shall not be compelled, under any pretext whatsoever, to pay any charges or taxes other or higher than those that are, or may be, paid by native subjects, or subjects or citizens of the most favoured nation.

ARTICLE II.

The subjects of either of the Contracting Parties residing in the dominions and possessions of the other shall be exempted from all compulsory military service whatsoever, whether in the army, navy, National Guard, or militia; from all contributions imposed in lieu of personal service; and from all forced loans or military exactions or contributions.

ARTICLE III.

There shall be reciprocal freedom of commerce and navigation between the dominions and possessions of the two High Contracting Parties.

The subjects of each of the High Contracting Parties may trade in any part of the dominions and possessions of the other by wholesale or retail in all kinds of produce, manufactures, and merchandize of lawful commerce, either in person or by agents, singly, or in partnerships with foreigners or native subjects; and they may there own or hire and occupy the houses, manufactories, warehouses, shops, and premises which may be necessary for them, and lease land for residential and commercial purposes, conforming themselves to the Laws, Police and Customs Regulations of the country like native subjects.

They shall have liberty to come with their ships and cargoes to all places, ports, and rivers in the dominions and possessions of the other which are or may be opened to foreign commerce, and shall enjoy, respectively, the same treatment in matters of commerce and navigation as native subjects, or subjects or citizens of the most favoured nation, without having to pay taxes, imposts, or duties, of whatever nature or under whatever denomination levied in the name or for the profit of the Government, public functionaries, private individuals, Corporations, or establishments of any kind, other or greater than those paid by native subjects, or subjects or citizens of the most favoured nation, subject always to the Laws, Ordinances, and Regulations of each country.

ARTICLE IV.

The dwellings, manufactories warehouses, and shops of the subjects of each of the High Contracting Parties in the dominions and possessions of the other, and all premises appertaining thereto destined for purposes of residence or commerce, shall be respected.

It shall not be allowable to proceed to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the Laws, Ordinances, and Regulations for subjects of the country.

ARTICLE V.

No other or higher duties shall be imposed on the importation into the dominions and possessions of Her Britannic Majesty of any article, the produce or manufacture of the dominions and possessions of His Majesty the Emperor of Japan, from whatever place arriving; and no other or higher duties shall be imposed on the importation into the dominions and possessions of His Majesty the Emperor of Japan of any article, the produce or manufacture of the dominions and possessions of Her Britannic Majesty, from whatever place arriving, than on the like article produced or manufactured in any other foreign country; nor shall any prohibition be maintained or imposed on the importation of any article, the produce or manufacture of the dominions and possessions of either of the High Contracting Parties, into the dominions and possessions of the other, from whatever place arriving, which shall not equally extend to the importation of the like article, being the produce or manufacture of any other country. This last provision is not applicable to the sanitary and other prohibitions occasioned by the necessity of protecting the safety of persons, or of cattle, or of plants useful to agriculture.

ARTICLE VI.

No other or higher duties or charges shall be imposed in the dominions and possessions of either of the High Contracting Parties on the exportation of any article to the dominions and possessions of the other than such as are, or may be, payable on the exportation of the like

article to any other foreign country ; nor shall any prohibition be imposed on the exportation of any article from the dominions and possessions of either of the two Contracting Parties to the dominions and possessions of the other which shall not equally extend to the exportation of the like article to any other country.

ARTICLE VII.

The subjects of each of the High Contracting Parties shall enjoy in the dominions and possessions of the other exemption from all transit duties, and a perfect equality of treatment with native subjects in all that relates to warehousing, bounties, facilities, and drawbacks.

ARTICLE VIII.

All articles which are or may be legally imported into the ports of the dominions and possessions of His Majesty the Emperor of Japan in Japanese vessels may likewise be imported into those ports in British vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in Japanese vessels ; and reciprocally, all articles which are or may be legally imported into the ports of the dominions and possessions of Her Britannic Majesty in British vessels may likewise be imported into those ports in Japanese vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in British vessels. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other place.

In the same manner there shall be perfect equality of treatment in regard to exportation, so that the same export duties shall be paid and the same bounties and drawbacks allowed in the dominions and possessions of either of the High Contracting Parties on the exportation of any article which is or may be legally exported therefrom, whether such exportation shall take place in Japanese or in British vessels, and whatever may be the place of destination, whether a port of either of the Contracting Parties or of any third Power.

ARTICLE IX.

No duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other similar or corresponding duties of whatever nature or under whatever denomination, levied in the name or for the profit of the Government, public functionaries, private individuals, Corporations, or establishments of any kind, shall be imposed in the ports of the dominions and possessions of either country upon the vessels of the other country which shall not equally and under the same conditions be imposed in the like cases on national vessels in general or vessels of the most favoured nation. Such equality of treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

ARTICLE X.

In all that regards the stationing, loading, and unloading of vessels in the ports, basins, docks, roadsteads, harbours, or rivers of the dominions and possessions of the two countries, no privilege shall be granted to national vessels which shall not be equally granted to vessels of the other country ; the intention of the High Contracting Parties being that in this respect also the respective vessels shall be treated on the footing of perfect equality.

ARTICLE XI.

The coasting trade of both the High Contracting Parties is excepted from the provisions of the present Treaty, and shall be regulated according to the Laws, Ordinances, and Regulations of Japan and of Great Britain respectively. It is, however, understood that Japanese

subjects in the dominions and possessions of Her Britannic Majesty, and British subjects in the dominions and possessions of His Majesty the Emperor of Japan, shall enjoy in this respect the rights which are or may be granted under such Laws, Ordinances, and Regulations to the subjects or citizens of any other country.

A Japanese vessel laden in a foreign country with cargo destined for two or more ports in the dominions and possessions of Her Britannic Majesty, and a British vessel laden in a foreign country with cargo destined for two or more ports in the dominions and possessions of His Majesty the Emperor of Japan, may discharge a portion of her cargo at one port, and continue her voyage to the other port or ports of destination where foreign trade is permitted, for the purpose of landing the remainder of her original cargo there, subject always to the Laws and Custom-house Regulations of the two countries.

The Japanese Government, however, agrees to allow British vessels to continue, as heretofore, for the period of the duration of the present Treaty, to carry cargo between the existing open ports of the Empire, excepting to or from the ports of Osaka, Niigata, and Ebisu-minato.

ARTICLE XII.

Any ship of war or merchant-vessel of either of the High Contrating Parties which may be compelled by stress of weather, or by reason of any other distress, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary supplies, and to put to sea again, without paying any dues other than such as would be payable by national vessels. In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his cargo in order to defray the expenses, he shall be bound to conform to the Regulations and Tariffs of the place to which he may have come.

If any ship of war or merchant-vessel of one of the Contracting Parties should run aground or be wrecked upon the coasts of the other, the local authorities shall inform the Consul-General, Consul, Vice-Consul. or Consular Agent of the district of the occurrence, or if there be no such Consular officer, they shall inform the Consul-General, Consul, Vice-Consul or Consular Agent of the nearest district.

All proceedings relative to the salvage of Japanese vessels wrecked or cast on shore in the territorial waters of Her Britannic Majesty shall take place in accordance with the Laws, Ordinances, and Regulations of Great Britain, and reciprocally, all measures of salvage relative to British vessels wrecked or cast on shore in the territorial waters of His Majesty the Emperor of Japan shall take place in accordance with the Laws, Ordinances, and Regulations of Japan.

Such stranded or wrecked ship or vessel, and all parts thereof, and all furnitures and appurtenances belonging thereunto, and all goods and merchandize saved therefrom, including those which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents, when claimed by them. If such owners or agents are not on the spot, the same shall be delivered to the respective Consuls-General, Consuls, Vice-Consuls, or Consular Agents upon being claimed by them within the period fixed by the laws of the country, and such Consular officers, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the case of a wreck of a national vessel.

The goods and merchandize saved from the wreck shall be exempt from all the duties of the Customs unless cleared for consumption, in which case they shall pay the ordinary duties.

When a ship or vessel belonging to the subjects of one of the Contracting Parties is stranded or wrecked in the territories of the other, the respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall be authorized, in case the owner or master, or other agent of the owner, is not present, to lend their official assistance in order to afford the necessary assistance to the subjects of the respective States. The same rule shall apply in case the owner, master, or other agent is present, but requires such assistance to be given.

ARTICLE XIII.

All vessels which, according to Japanese law, are to be deemed Japanese vessels, and all vessels which, according to British law, are to be deemed British vessels, shall, for the purposes of this Treaty, be deemed Japanese and British vessels respectively.

ARTICLE XIV.

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the Contracting Parties, residing in the dominions and possessions of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

It is understood that this stipulation shall not apply to the subjects of the country where the desertion takes place.

ARTICLE XV.

The High Contracting Parties agree that, in all that concerns commerce and navigation, any privilege, favour, or immunity which either Contracting Party has actually granted, or may hereafter grant, to the Government, ships, subjects, or citizens of any other State, shall be extended immediately and unconditionally to the Government, ships, subjects, or citizens of the other Contracting Party, it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other on the footing of the most favoured nation.

ARTICLE XVI.

Each of the High Contracting Parties may appoint Consuls-General, Consuls, Vice Consuls, Pro-Consuls, and Consular Agents in all the ports, cities, and places of the other, except in those where it may not be convenient to recognize such officers.

This exception, however, shall not be made in regard to one of the Contracting Parties without being made likewise in regard to every other Power.

The Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents may exercise all functions, and shall enjoy all privileges, exemptions, and immunities which are, or may hereafter be, granted to Consular officers of the most favoured nation.

ARTICLE XVII.

The subjects of each of the High Contracting Parties shall enjoy in the dominions and possessions of the other the same protection as native subjects in regard to patents, trade-marks, and designs, upon fulfilment of the formalities prescribed by law.

ARTICLE XVIII.

Her Britannic Majesty's Government, so far as they are concerned, give their consent to the following arrangement:—

The several foreign Settlements in Japan shall be incorporated with the respective Japanese Communes, and shall thenceforth form part of the general municipal system of Japan.

The competent Japanese authorities shall thereupon assume all municipal obligations and duties in respect thereof, and the common funds and property, if any, belonging to such Settlements, shall at the same time be transferred to the said Japanese authorities.

When such incorporation takes place existing leases in perpetuity under which property is now held in the said Settlements shall be confirmed, and no conditions whatsoever other than those contained in such existing leases shall be imposed in respect of such property. It is, however, understood that the Consular authorities mentioned in the same are in all cases to be replaced by the Japanese authorities.

All lands which may previously have been granted by the Japanese Government free of rent for the public purposes of the said Settlements shall, subject to the right of eminent domain, be permanently reserved free of all taxes and charges for the public purposes for which they were originally set apart.

ARTICLE XIX.

The stipulations of the present Treaty shall be applicable, so far as the laws permit, to all the Colonies and foreign possessions of Her Britannic Majesty, excepting to those hereinafter named, that is to say, except to—

India.
The Dominion of Canada.
Newfoundland.
The Cape.
Natal.
New South Wales.
Victoria.
Queensland.
Tasmania.
South Australia.
Western Australia.
New Zealand.

Provided always that the stipulations of the present Treaty shall be made applicable to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given to the Japanese Government by Her Britannic Majesty's Representative at Tôkiô within two years from the date of the exchange of ratifications of the present Treaty.

ARTICLE XX.

The present Treaty shall, from the date it comes into force, be substituted in place of the Conventions respectively of the 23rd day of the 8th month of the 7th year of Kayei, corresponding to the 14th day of October, 1854, and of the 13th day of the 5th month of the 2nd year of Keiou, corresponding to the 25th day of June, 1866, the Treaty of the 18th day of the 7th month of the 5th year of Ansei, corresponding to the 26th day of August, 1858, and all Arrangements and Agreements subsidiary thereto concluded or existing between the High Contracting Parties; and from the same date such Conventions, Treaty, Arrangements, and Agreements shall cease to be binding, and, in consequence, the jurisdiction then exercised by British Courts in Japan, and all the exceptional privileges, exemptions, and immunities then enjoyed by British subjects as a part of or appurtenant to such jurisdiction, shall absolutely and without notice cease and determine, and thereafter all such jurisdiction shall be assumed and exercised by Japanese Courts.

ARTICLE XXI.

The present Treaty shall not take effect until at least five years after its signature. It shall come into force one year after His Imperial Japanese Majesty's Government shall have given notice to Her Britannic Majesty's Government of its wish to have the same brought into operation. Such notice may be given at any time after the expiration of four years from the date hereof. The Treaty shall remain in force for the period of twelve years from the date it goes into operation.

Either High Contracting Party shall have the right, at any time after eleven years shall have elapsed from the date this Treaty takes effect, to give notice to the other of its intention to terminate the same, and at the expiration of twelve months after such notice is given this Treaty shall wholly cease and determine.

ARTICLE XXII.

The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Tôkiô as soon as possible, and not later than six months from the present date.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done at London, in duplicate, this sixteenth day of the seventh month of the twenty-seventh year of Meiji.

(L.S.) AOKI.

(L.S.) KIMBERLEY.

PROTOCOL.

THE Government of His Majesty the Emperor of Japan and the Government of Her Majesty the Queen of Great Britain and Ireland and Empress of India, deeming it advisable in the interests of both countries to regulate certain special matters of mutual concern, apart from the Treaty of Commerce and Navigation signed this day, have, through their respective Plenipotentiaries, agreed upon the following stipulations:—

1. It is agreed by the Contracting Parties that one month after the exchange of the ratifications of the Treaty of Commerce and Navigation signed this day, the Import Tariff hereunto annexed shall, subject to the provisions of Article XXIII of the Treaty of 1858 at present subsisting between the Contracting Parties, as long as the said Treaty remains in force and thereafter, subject to the provisions of Articles V and XV of the Treaty signed this day, be applicable to the articles therein enumerated, being the growth, produce, or manufacture of the dominions and possessions of Her Britannic Majesty, upon importation into Japan. But nothing contained in this Protocol, or the Tariff hereunto annexed, shall be held to limit or qualify the right of the Japanese Government to restrict or to prohibit the importation of adulterated drugs, medicines, food, or beverages; indecent or obscene prints, paintings, books, cards, lithographic or other engravings, photographs, or any other indecent or obscene articles; articles in violation of patent, trade-mark, or copyright laws of Japan; or any other article which for sanitary reasons, or in view of public security or morals, might offer any danger.

The *ad valorem* duties established by the said Tariff shall, so far as may be deemed practicable, be converted into specific duties by a Supplementary Convention, which shall be concluded between the two Governments within six months from the date of this Protocol; the medium prices, as shown by the Japanese Customs Returns during the six calendar months preceding the date of the present Protocol, with the addition of the cost of insurance and transportation from the place of purchase, production, or fabrication, to the port of discharge, as well as commission, if any, shall be taken as the basis for such conversion. In the event of the Supplementary Convention not having come into force before the expiration of the period fixed for the said Tariff to take effect, *ad valorem* duties in conformity with the rule recited at the end of the said Tariff shall, in the meantime, be levied.

In respect of articles not enumerated in the said Tariff, the General Statutory Tariff of Japan for the time being in force shall, from the same time, apply, subject, as aforesaid, to the provisions of Article XXIII of the Treaty of 1858 and Articles V and XV of the Treaty signed this day respectively.

From the date the Tariffs aforesaid take effect, the Import Tariff now in operation in Japan in respect of goods and merchandize imported into Japan by British subjects shall cease to be binding.

In all other respects the stipulations of the existing Treaties and Conventions shall be maintained unconditionally until the time when the Treaty of Commerce and Navigation signed this day comes into force.

2. The Japanese Government, pending the opening of the country to British subjects, agrees to extend the existing passport system in such a manner as to allow British subjects, on the production of a certificate of recommendation from the British Representative in Tôkiô, or from any of Her Majesty's Consuls at the open ports in Japan, to obtain upon application passports available for any part of the country, and for any period not exceeding twelve months, from the Imperial Japanese Foreign Office in Tôkiô, or from the chief authorities in the Prefecture in which an open port is situated; it being understood that the existing Rules and Regulations governing British subjects who visit the interior of the Empire are to be maintained.

3. The Japanese Government undertakes, before the cessation of British Consular jurisdiction in Japan, to join the International Conventions for the Protection of Industrial Property and Copyright.

4. It is understood between the two High Contracting Parties that, if Japan think it necessary at any time to levy an additional duty on the production or manufacture of refined sugar in Japan, an increased customs duty equivalent in amount may be levied on British refined sugar when imported into Japan, so long as such additional excise tax or inland duty continues to be raised.

Provided always that British refined sugar shall in this respect be entitled to the treatment accorded to refined sugar being the produce or manufacture of the most favoured nation.

5. The undersigned Plenipotentiaries have agreed that this Protocol shall be submitted to the two High Contracting Parties at the same time as the Treaty of Commerce and Navigation signed this day, and that when the said Treaty is ratified the agreements contained in the Protocol shall also equally be considered as approved, without the necessity of a further formal ratification.

It is agreed that this Protocol shall terminate at the same time the said Treaty ceases to be binding.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at London, in duplicate, this sixteenth day of the seventh month of the twenty-seventh year of Meiji.

(L. S.) AOKI.

(L. S.) KIMBERLEY.

Annex. (Tariff.)

ARTICLES.	*Ad valorem* Rates of Duty.
	Per cent.
Caoutchouk, manufactures of	10
Cement, Portland	5
Cotton—	
Yarns	8
Tissues of all sorts, plain or mixed with tissues of flax, hemp, or other fibre, including wool, the cotton, however, predominating	10
Glass, window, ordinary—	
(*a.*) Uncoloured and unstained	8
(*b.*) Coloured, stained, or ground	10
Hats, including also hats of felt	10
Indigo, dry	10
Iron and steel—	
Pig and ingot	5
Rails	5
Bar, rod, plate, and sheet	7½
Tinned plates	10
Galvanized sheet	10
Pipes and tubes	10
Lead, pig, ingot, and slab	5
Leather—	
Sole	15
Other kinds	10
Linen—	
Yarns	8
Tissues	10
Mercury or quicksilver	5
Milk, condensed or dessicated	5
Nails, iron	10
Oil, paraffin	10
Paint in oil	10
Paper, printing	10
Refined sugar...	10
Saltpetre	5
Screws, bolts, and nuts, iron	10
Silk, satins, and silk and cotton mixtures	15
Tin—	
Block, pig, and slab	5
Plates	10
Wax, paraffin	5
Wire—	
Telegraph	5
Iron and steel, and small rod iron and steel not exceeding ¼ inch in diameter	10
Woollen and worsted—	
Yarns	8
Tissues of all sorts, plain or mixed with other material, the wool, however, predominating. ...	10
Yarns of all sorts, not specially provided for ...	10
Zinc—	
Block, pig, and slab	5
Sheet	7½

Rule for calculating ad valorem *Duties.*

Import duties payable *ad valorem* under this Tariff shall be calculated on the actual cost of the articles at the place of purchase, production, or fabrication, with the addition of the cost of insurance and transportation from the place of purchase, production, or fabrication, to the port of discharge, as well as commission, if any exists.

Enclosure 2 with Mr. Dun's No. 154.

The Japan Daily Mail.

YOKOHAMA, THURSDAY, AUGUST 30, 1894.

IMPERIAL RESCRIPT.

We, Mutsuhito, Emperor of Japan, by the Grace of Heaven seated on a Throne occupied by the same dynasty from time immemorial, do hereby make proclamation to all our subjects. We, moved by a desire to establish permanently on a friendly footing the relations between our Empire and Great Britain, have caused the Treaty of Commerce and Navigation signed and sealed by the fully authorized commissioners of the two High Contracting Parties at London on July 16th of the 27th year of *Meiji*, to be brought before us for examination and perusal. We find the Treaty drawn in accordance with Our wishes and free from all defects, and we hereby approve and ratify it.

Signed and sealed by Our hand at the Imperial Palace, Tokyo, on the 24th day of the eighth calendar month of the 27th year of *Meiji*, in the 2554th year from the Coronation of the Emperor Jimmu.

[His Imperial Majesty's Sign Manual.]
[Great Seal.]

(Countersigned) MUTSU MUNEMITSU,
Minister for Foreign Affairs.

3RD ASSISTANT SECRETARY,
Ack. & File
SEP 22 1894

File

SEP 22 1894

No. 155.

Legation of the United States,
Tokyo, Japan, August 31, 1894.

DEPARTMENT OF STATE
SEP 22 1894
RECEIVED.

Mr. Dun
to the Secretary of State.

Subject:
Japanese subject under arrest at Peking charged as being a spy.

No. 155.

Legation of the United States,

Tokyo, Japan, August 31, 1894.

Sir:

I have the honor to inclose herewith, for the information of the Department of State, a copy of a note which I have this day received from His Excellency Mr. Komura, Minister for Foreign Affairs, in relation to the arrest of Mr. Ishikawa

Ishikawa

Ishikawa Goichi, a Japanese subject, had been arrested at Tientsin as a spy by the Chinese authorities, and desiring me to telegraph a request to Mr. Denby to demand of the Chinese Government his release, and afford him such protection as would enable him to return to Japan. I informed Mr. Okamura that I could not request Mr. Denby to demand the release of the prisoner, but, at the instance of his government, I would request him to use his good offices with

No. 156. Secret. [illegible]

with the Chinese Government to that end, if such request would be satisfactory to the Minister for Foreign Affairs.

Upon receiving the assurance of Mr. Komura that such request would be satisfactory, I at once telegraphed to Mr. Denby, the reading of which telegram I have the honor to enclose herewith.

Mr. Komura informed me that the young man Ishikawa Shichi was well known to him and to his knowledge had been in China as a student for more than one

year

you and that he was entirely
innocent of the offence charged
against him and that it
is the opinion of this meeting
that he is entitled to a
full and honorable discharge
from the service.

Enclosure / with Mr. Dun's No. 155.

Copy.

Translation.

No. 77. Department of Foreign Affairs,
the 28th day, the 8th month,
the 27th year of Meiji.

His Excellency
Edwin Dun,
Envoy Extraordinary and Minister Plenipotentiary of the
United States of America.

Sir:

A report has been obtained from a reliable source to the effect that a Japanese subject, Ishikawa Goichi, has been arrested, and is now detained, at Tienstin by the Chinese authorities upon suspicion as a spy of the Imperial Government.

The said person who has been staying in China for the purpose of studying Chinese literature is by no means a Government spy, and when recently the members of the Imperial Legation and Consulates were leaving China, they made efforts to bring him with them., but his whereabouts being then unascertainable, he was left behind. It appears now that he has been afterwards suspected by the Chinese authorities and fallen to that unfortunate position.

Under these circumstances I have the honor to beg that Your Excellency will have the kindness to request

the

Encl. 1. No. 155.

the United States Charge d'Affaires at Peking by wire that he will be good enough to demand of the Chinese Government as soon as possible the release of the said person and to protect him so that he may be able to return to Japan safely.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed.) Mutsu Munemitsu,

Minister for Foreign Affairs.

Enclosure 2 with Mr. Dun's No. 153.

Reading of a cipher telegram transmitted to Mr. Denby, U. S. Charge d'Affaires at Peking.

"Tokio, August 28, 1894.

"American Minister, Peking.

"Japanese Ishikawa Goichi has been "arrested Tientsin as a spy. Japanese Government assures "me he is not. Accused well known to Mr. Komura. "Japanese Government requests you will use good offices "to obtain release and his return home.

"Dun."

COPIED. FOREIGN RELATIONS.

DIPLOMATIC BUREAU SEP 24 1894

Secretary of State SEP 22

No. 156.

DEPARTMENT OF STATE SEP 22 1894 RECEIVED.

Legation of the United States,

Tokyo, Japan, September 6 1894.

Mr. Dun

to the Secretary of State.

Subject:

Chinese residents in Japan.

No. 156.

Legation of the United States,
Tokyo, Japan, September 5, 1894.

Hon. W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to report that up to this time, no difficulties whatever has been experienced in connection with the good offices offered by the United States for the protection of Chinese subjects in Japan. The belief entertained by all Chinese residents

No. 156.

Legation of the United States,
Tokyo, Japan, September 5, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to report that, up to this time, no difficulties whatever has been experienced in connection with the good offices of tendered by the United States for the protection of Chinese subjects in Japan. The belief entertained by all Chinese residents

residents that, should the need of it arise, they might rely with confidence upon the friendly intervention of the United States Legation and Consulates of their protection, seems to have allayed any feeling of apprehension that might otherwise have been felt.

The police protection afforded Chinese residents by the Japanese Government appears to be ample. I have heard of no ill treatment of any one of the three thousand Chinese in Japan. In Yokohama where there are

two

two thousand Chinese they go about the streets in pursuit of their respective vocations with, apparently, as little concern as they did before the beginning of hostilities.

I have the hono to be,
Sir,
Your obedient servant,
Edwin Dun

COPIED FOR CONGRESS.
SEP 22 1894

No. 157. Answered Sept. 22.

Legation of the United States,
Tokyo, Japan, Sept. 1, 1894.

DEPARTMENT OF STATE
SEP 22 1894
RECEIVED.

Mr. Dun

to the Secretary of State.

Subject:

Efforts to secure release of two Japanese boys under arrest at Shanghai charged as spies.

No. 157.

Legation of the United States,
Tokyo, Japan, September 6, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D.C.

Sir:

On the 27th ~~instant~~ I received from Mr. Jernigan, United States Consul General at Shanghai a telegram to the effect that two Japanese accused by the Chinese authorities of being spies, were at that time in his Consulate;

that

that the alleged spies were boys; that they had been students at Shanghai for three years and that they had papers in their possession such as any intelligent boys might have.

Mr. Jernigan requested me to act promptly in behalf of the accused young men.

I felt that it was difficult for me to do anything in the matter. However, I called at the Foreign Office here and ascertained that the young men in question were, as stated by Mr. Jernigan, students, and was assured by

by Mr. Hayashi, Vice Minister for Foreign affairs, that they were entirely guiltless of the offence charged. At Mr. Hayashi's request, I telegraphed to Mr. Jernigan to write the names of the young men, and also telegraphed to Mr. Denby that the young men were not spies and asked him if the Chinese Government would not postpone action in the matter until his father, Minister Denby arrived, stating that he was expected here on September

2nd.

that the alleged spies were boys; that they had been students at Shanghai for three years and that they had papers in their possession such as any intelligent boys might have.

Mr. Jernigan requested me to act promptly in behalf of the accused young men.

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by Mr. Hayashi, Vice Minister for Foreign affairs, that they were entirely guiltless of the offence charged. At Mr. Hayashi's request, I telegraphed to Mr. Jernigan to visit the prisons of the young men, and also telegraphed to Mr. Denby that the young men were not spies and asked him if the Chinese Government would not postpone action in the matter until his father, Minister Denby arrived, stating that he was expected here on September 2nd.

2nd. I have the honor to inclose a copy of my telegram to Mr. Dickinson-
with. I have since ascertained that Saigo was misinformed as to Minister Bingham's movements and that he will not reach Japan at the time named in my telegram.

I also have the honor to inclose copy of a statement prepared by Mr. Yenjiro Yamaga, late of the Japanese Consulate General at Shanghai, in regard to the students going men. I have sent a copy of this statement to Mr. Jernigan.

Jernigan for his information.

It seems that the young men accused of being spies are students in a commercial school established some years since at Tokyo with a branch at Shanghai, the object of which was to impart a knowledge of the commerce of China and Japan and promote the trade relations between the two countries.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosures:

1. (Telegram) Mr. Dun to Mr. Denby
2. Statement prepared by Mr. Yenjira

Enclosure / with Mr. Dun's No. 157.

Reading of a cipher telegram Transmitted to Mr. Denby, U. S. Charge d'Affaires at Peking.

"Tokio, August 27, 1894.

"American Minister, Peking.

"Japanese at the Consulate "Shanghai are not spies. Your father is expected here "September second. Wont Chinese Government postpone "action until arrival.

"Dun."

Enclosure 2 with Mr. Dun's No. 157.

Copy.

August 29th, 1894.

The two Japanese, Kusuuchi and Fukuhara, who were arrested under suspicion of being spies have been living in Shanghai for the past four years for the purpose of studying the Chinese language, and at the same time of investigating into the trade. It appears that last spring they made a visit to Hankow and one of them, i. e. Kusuuchi, also to Soochow, in order to study commercial transactions, but they went to no other part of the interior.

They have been wearing Chinese costumes since about a year and a half ago, but this is a very common habit among young business students in China for the reason that they can thus secure many facilities in learning the language and commercial intercourse with the natives. They do so also because they have very limited means and they can live more economically by adopting Chinese customs. Beside these there are no other special objects in view for wearing Chinese costumes.

Yenjiro Yamaza.

DIPLOMATIC BUREAU. SEP 24 1894
SEP 22

No. 158.

Legation of the United States,
Tokyo, Japan, September 1, 1894.

DEPARTMENT OF STATE. SEP 22 1894 RECEIVED.

Mr. Dun
to the Secretary of State.

Subject:
Mr. Mitsu, Minister for Foreign Affairs, raised to the peerage.

No. 158.

Legation of the United States,
Tokyo, Japan, Sept. 1, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D.C.

Sir

In recognition of his services in connection with the successful negociation of the treaty with Great Britain, Mr. Mutsu Munemitsu, H. I. J. M's. Minister for Foreign Affairs, was called to the Palace on the 29th ultimo and raised by the Emperor to the ranks

F

of the Nobility under the title

of Viscount.

I have the honour to be,

Sir,

your obedient servant,

Edwin Dun

3RD ASSISTANT SECRETARY,
Ack. & file
SEP 22 1894

DIPLOMATIC BUREAU
SEP 22 1894

No. 159.

DEPARTMENT OF STATE
SEP 22 1894
RECEIVED

Legation of the United States,
Tokyo, Japan, September 1, 1894.

Mr. Dun
to the Secretary of State.

Subject:
Readings of cipher telegrams.

No. 159.

Legation of the United States,
Tokyo, Japan, September 1, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to enclose herewith the readings of your telegraphic instructions 1./ 2./ dated August 26th and 29th, 1894, respectively and of my cipher telegram to you dated 3./ August 25th, 1894.

I have the honor to be,
Sir
Your

Your obedient servant,

Edwin Dun

Enclosures:

1. Telegram from Secy of State Aug 26.

2. " " " " " " 29.

3 Mrs Dun to the Secy of State

Aug 25.

Enclosure 1 with Mr. Dun's No. 159.

Reading of telegraphic instruction from the Secretary of State received in Tokyo August 28, 1894.

"Washington, August 26, 1894.

" Aug. 26, Dun Minister, Tokio.

" Include date in telegrams to Department.

"Gresham."

Enclosure 2 with Mr. Dun's No. 159.

Reading of a cipher telegram from the Secretary of State received in Tokyo August 31, 1894.

Washingto August 29, 1894.

"Dun, Minister, Tokio.

"The following telegram of this date is transmitted for your information. 'Denby, Charge, Peking. You and "'Consul General at Shanghai seem to misapprehend nature "' of protection authorized. Lending good offices "'embassy does not invest Japanese with extraterritori- "'ality nor should Legation or Consulates be made asylums "'for Japanese who violate local laws or commit "'belligerent acts. Protection to be exercised unoffic- "'ially and consistently with neutrality. Consul General "'of the United States should not have received two "'Japanese and is not authorized to hold them. Your "'suggestion that our consuls act as arbitrators not "' entertained!"

"Gresham."

Enclosure 3 with Mr. Dun's No. 157.

Reading of a cipher telegram transmitted to the Secretary of State.

"Tokio, August 25, 1894.

"Gresham, Washington.

"The ratifications of the treaty "were exchanged between Japan and Great Britain to-day "Tokio.

"Dun."

COPIED. FOREIGN RELATONS.

DIPLOMATIC BUREAU
SEP 22 1894

3RD ASSISTANT SECRETARY.
Ack. & File
SEP 22 1894

File

No. 160

DEPARTMENT OF STATE
SEP 22 1894
RECEIVED

Legation of the United States,
Tokyo, Japan, Sept. 6/1894.

Mr. Dun

to the Secretary of State.

Subject:

The situation in Korea.

No. 160.

Legation of the United States,
Tokyo, Japan, Sept. 1, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D.C.

Sir:

Since my No. 149, of date the 22nd ultimo, was written no news of importance has been received from the seat of war. It is reported that the Japanese and Chinese armies are confronting each other near Heijo, or Phyong Yang, about one hundred

hundred miles north of Seoul, Korea; that some skirmishing has taken place between the outposts and that a general engagement may take place at any time. Large reinforcements have been sent from Japan within the last two weeks. Reliable reports place the number of Japanese troops now in Korea at forty thousand men.

I have been unable to obtain any reliable information in regard to the movements or whereabouts ever, of either the Japanese or Chinese fleets.

I

No. 160. II.

I have the honor to be,

Sir,

your obedient servant,

Edwin Dun

TELEGRAM RECEIVED IN CIPHER.

From Tokio

Sept. 4.1894.

To War 5 Sept. 94. m

GRESHAM,

Washington,

September 4th, Am informed that foreign military attaches of Legations will be permitted to accompany the Japanese army in Korea. Will our Government send some one?

Dun.

No. 161.

Legation of the United States,
Tokyo, Japan, September 7, 1894

DEPARTMENT OF STATE
OCT 1 1894
RECEIVED.

Mr. Dun
to the Secretary of State.

Subject:
Account for telegrams.

No. 161.

Legation of the United States,
Tokyo, Japan, September 7, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to enclose herewith the statement of my account for official telegrams for the month of August, 1894.

I have the honor to be,
Sir,
Your obedient servant,
Edwin Dun

T. M.

Enclosure
account for telegrams, Aug. 1894.

File

DIPLOMATIC BUREAU.
OCT 1 1894

No. 162.



Legation of the United States,
Tokyo, Japan, September 7, 1894.

Mr. Dun
to the Secretary of State.

Subject:
Reading of a cipher telegram.

No. 162.

Legation of the United States,
Tokyo, Japan, September 7, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to enclose herewith the reading of my cipher telegram to you dated Tokyo, September 4, 1894.

I have the honor to be,
Sir,
Your obedient servant,
Edwin Dun

Enclosure:
Reading of telegram.

Enclosure with Mr. Dun's No. 162 .

Reading of a cipher telegram transmitted to the Secretary of State .

"Tokio, September 4, 1894.

"September fourth, 94. Gresham Washington.

"Am informed that foreign military attaches of "Legations will be permitted to accompany the Japanese "army in Korea. Will our government send some one?

"Dun."

Ankey

COPIED. FOREIGN RELATONS.

No. 163.

RECEIVED DEPARTMENT OF STATE
OCT 1 1894
REGISTRY

Legation of the United States,
Tokyo, Japan, September 8, 1894.

Duplicate enclosed to Library 6/11/95

Sack Oct. 20 1894

Mr. Dun

to the Secretary of State.

Subject:

Treaty between Japan and Great Britain with Diplomatic notes and a Memorandum relative thereto.

COPIED FOREIGN RELATIONS

No. 163.

Legation of the United States

Tokio, Japan, September 6, 1894.

Honorable W. Q. Gresham,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to enclose herewith, in duplicate, copy of the new Anglo-Japanese treaty, together with three diplomatic notes exchanged between Lord Kimberley and Viscount Aoki on the date of the signature of the treaty, July 16, 1894, and a memorandum signed

signed "Aoki", dated London July 13, 1894, relative to the Japanese Customs Returns. As a basis upon which the new ad valorem duties are to be determined.

With reference to Lord Kimberley's note, and Viscount Aoki's reply thereto, relative to Articles VI and XIX of the Treaty, with regard to Natal and the Cape aliens cannot claim, under existing laws in those Colonies, all the exemptions provided for by Article III. The objects of the diplomatic notes was to enable those two Colonies

to

to give their adhesion to the treaty without changing their laws.

The object of the diplomatic note signed "Aoki", relative to the completion of the Japanese codes, is to guarantee, as the note clearly sets forth, that the new treaty shall not be brought into operation until the entire codes of Japan already promulgated shall have been brought into actual force.

I am indebted to the Hon. P. Le Poer Trench, H. B. Mis. Minister at this Court, for the copies of the treaty and

the

the accompanying documents enclosed herewith.

I have the honor to be,
Sir,
Your obedient servant,
Edwin Dun

Enclosures:
1. Anglo-Japanese Treaty
2. Three diplomatic notes.
3. Memorandum of Viscount Aoki.

Treaty of Commerce and Navigation between Great Britain and Japan, signed at London, July 16, 1894.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the Emperor of Japan, being equally desirous of maintaining the relations of good understanding which happily exist between them, by extending and increasing the intercourse between their respective States, and being convinced that this object cannot better be accomplished than by revising the Treaties hitherto existing between the two countries, have resolved to complete such a revision, based upon principles of equity and mutual benefit, and, for that purpose, have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honourable John, Earl of Kimberley, Knight of the Most Noble Order of the Garter, &c., &c., Her Britannic Majesty's Secretary of State for Foreign Affairs;

And His Majesty the Emperor of Japan, Viscount Aoki Sinzo, Junii, first class of the Imperial Order of the Sacred Treasure, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of St. James';

Who, after having communicated to each other their Full Powers, found to be in good and due form, have agreed upon and concluded the following Articles:—

ARTICLE I.

The subjects of each of the two High Contracting Parties shall have full liberty to enter, travel, or reside in any part of the dominions and possessions of the other Contracting Party, and shall enjoy full and perfect protection for their persons and property.

They shall have free and easy access to the Courts of Justice in pursuit and defence of their rights; they shall be at liberty equally with native subjects to choose and employ lawyers, advocates, and representatives to pursue and defend their rights before such Courts, and in all other matters connected with the administration of justice they shall enjoy all the rights and privileges enjoyed by native subjects.

In whatever relates to rights of residence and travel; to the possession of goods and effects of any kind; to the succession to personal estate, by will or otherwise, and the disposal of property of any sort in any manner whatsoever which they may lawfully acquire, the subjects of each Contracting Party shall enjoy in the dominions and possessions of the other the same privileges, liberties, and rights, and shall be subject to no higher imposts or charges in these respects than native subjects, or subjects or citizens of the most favoured nation. The subjects of each of the Contracting Parties shall enjoy in the dominions and possessions of the other entire liberty of conscience, and, subject to the Laws, Ordinances, and Regulations, shall enjoy the right of private or public exercise of their worship, and also the right of burying their respective countrymen, according to their religious customs, in such suitable and convenient places as may be established and maintained for that purpose.

They shall not be compelled, under any pretext whatsoever, to pay any charges or taxes other or higher than those that are, or may be, paid by native subjects, or subjects or citizens of the most favoured nation.

ARTICLE II.

The subjects of either of the Contracting Parties residing in the dominions and possessions of the other shall be exempted from all compulsory military service

whatsoever, whether in the army, navy, National Guard, or militia ; from all contributions imposed in lieu of personal service ; and from all forced loans or military exactions or contributions.

ARTICLE III.

There shall be reciprocal freedom of commerce and navigation between the dominions and possessions of the two High Contracting Parties.

The subjects of each of the High Contracting Parties may trade in any part of the dominions and possessions of the other by wholesale or retail in all kinds of produce, manufactures, and merchandize of lawful commerce, either in person or by agents, singly, or in partnerships with foreigners or native subjects ; and they may there own or hire and occupy the houses, manufactories, warehouses, shops, and premises which may be necessary for them, and lease land for residential and commercial purposes, conforming themselves to the Laws, Police and Customs Regulations of the country like native subjects.

They shall have liberty freely to come with their ships and cargoes to all places, ports, and rivers in the dominions and possessions of the other which are or may be opened to foreign commerce, and shall enjoy, respectively, the same treatment in matters of commerce and navigation as native subjects, or subjects or citizens of the most favoured nation, without having to pay taxes, imposts, or duties, of whatever nature or under whatever denomination levied in the name or for the profit of the Government, public functionaries, private individuals, Corporations, or establishment of any kind, other or greater than those paid by native subjects, or subjects or citizens of the most favoured nation, subject always to the Laws, Ordinances, and Regulations of each country.

ARTICLE IV.

The dwellings, manufactories, warehouses, and shops of the subjects of each of the High Contracting Parties in the dominions and possessions of the other, and all premises appertaining thereto destined for purposes of residence or commerce, shall be respected.

It shall not be allowable to proceed to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the Laws, Ordinances, and Regulations for subjects of the country.

ARTICLE V.

No other or higher duties shall be imposed on the importation into the dominions and possessions of Her Britannic Majesty of any article, the produce or manufacture of the dominions and possessions of His Majesty the Emperor of Japan, from whatever place arriving ; and no other or higher duties shall be imposed on the importation into the dominions and possessions of His Majesty the Emperor of Japan of any article, the produce or manufacture of the dominions and possessions of Her Britannic Majesty, from whatever place arriving, than on the like article produced or manufactured in any other foreign country ; nor shall any prohibition be maintained or imposed on the importation of any article, the produce or manufacture of the dominions and possessions of either of the High Contracting Parties, into the dominions and possessions of the other, from whatever place arriving, which shall not equally extend to the importation of the like article, being the produce or manufacture of any other country. This last provision is not applicable to the sanitary and other prohibitions occasioned by the necessity of protecting the safety of persons, or of cattle, or of plants useful to agriculture.

ARTICLE VI.

No other or higher duties or charges shall be imposed in the dominions and possessions of either of the High Contracting Parties on the exportation of any article to the dominions and possessions of the other than such as are, or may be,

payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the dominions and possessions of either of the two Contracting Parties to the dominions and possessions of the other which shall not equally extend to the exportation of the like article to any other country.

ARTICLE VII.

The subjects of each of the High Contracting Parties shall enjoy in the dominions and possessions of the other exemption from all transit duties, and a perfect equality of treatment with native subjects in all that relates to warehousing, bounties, facilities, and drawbacks.

ARTICLE VIII.

All articles which are or may be legally imported into the ports of the dominions and possessions of His Majesty the Emperor of Japan in Japanese vessels may likewise be imported into those ports in British vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in Japanese vessels; and reciprocally, all articles which are or may be legally imported into the ports of the dominions and possessions of Her Britannic Majesty in British vessels may likewise be imported into those ports in Japanese vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in British vessels. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other place.

In the same manner there shall be perfect equality of treatment in regard to exportation, so that the same export duties shall be paid and the same bounties and drawbacks allowed in the dominions and possessions of either of the High Contracting Parties on the exportation of any article which is or may be legally exported therefrom, whether such exportation shall take place in Japanese or in British vessels, and whatever may be the place of destination, whether a port of either of the Contracting Parties or of any third Power.

ARTICLE IX.

No duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other similar or corresponding duties of whatever nature or under whatever denomination, levied in the name or for the profit of the Government, public functionaries, private individuals, Corporations, or establishments of any kind, shall be imposed in the ports of the dominions and possessions of either country upon the vessels of the other country which shall not equally and under the same conditions be imposed in the like cases on national vessels in general or vessels of the most favoured nation. Such equality of treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

ARTICLE X.

In all that regards the stationing, loading, and unloading of vessels in the ports, basins, docks, roadsteads, harbours, or rivers of the dominions and possessions of the two countries, no privilege shall be granted to national vessels which shall not be equally granted to vessels of the other country; the intention of the High Contracting Parties being that in this respect also the respective vessels shall be treated on the footing of perfect equality.

ARTICLE XI.

The coasting trade of both the High Contracting Parties is excepted from the provisions of the present Treaty, and shall be regulated according to the Laws,

Ordinances, and Regulations of Japan and of Great Britain respectively. It is, however, understood that Japanese subjects in the dominions and possessions of Her Britannic Majesty, and British subjects in the dominions and possessions of His Majesty the Emperor of Japan, shall enjoy in this respect the rights which are or may be granted under such Laws, Ordinances, and Regulations to the subjects or citizens of any other country.

A Japanese vessel laden in a foreign country with cargo destined for two or more ports in the dominions and possessions of Her Britannic Majesty, and a British vessel laden in a foreign country with cargo destined for two or more ports in the dominions and possessions of His Majesty the Emperor of Japan, may discharge a portion of her cargo at one port, and continue her voyage to the other port or ports of destination where foreign trade is permitted, for the purpose of landing the remainder of her original cargo there, subject always to the Laws and Custom-house Regulations of the two countries.

The Japanese Government, however, agrees to allow British vessels to continue, as heretofore, for the period of the duration of the present Treaty, to carry cargo between the existing open ports of the Empire, excepting to or from the ports of Osaka, Niigata, and Ebisu-minato.

ARTICLE XII.

Any ship of war or merchant-vessel of either of the High Contracting Parties which may be compelled by stress of weather, or by reason of any other distress, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary supplies, and to put to sea again, without paying any dues other than such as would be payable by national vessels. In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his cargo in order to defray the expenses, he shall be bound to conform to the Regulations and Tariffs of the place to which he may have come.

If any ship of war or merchant-vessel of one of the Contracting Parties should run aground or be wrecked upon the coasts of the other, the local authorities shall inform the Consul-General, Consul, Vice-Consul, or Consular Agent of the district of the occurrence, or if there be no such Consular officer, they shall inform the Consul-General, Consul, Vice-Consul, or Consular Agent of the nearest district.

All proceedings relative to the salvage of Japanese vessels wrecked or cast on shore in the territorial waters of Her Britannic Mejesty shall take place in accordance with the Laws, Ordinances, and Regulations of Great Britain, and reciprocally, all measures of salvage relative to British vessels wrecked or cast on shore in the territorial waters of His Majesty the Emperor of Japan shall take place in accordance with the Laws, Ordinances, and Regulations of Japan.

Such stranded or wrecked ship or vessel, and all parts thereof, and all furnitures and appurtenances belonging thereunto, and all goods and merchandize saved therefrom, including those which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents, when claimed by them. If such owners or agents are not on the spot, the same shall be delivered to the respective Consuls-General, Consuls, Vice-Consuls, or Consular Agents upon being claimed by them within the period fixed by the laws of the country, and such Consular officers, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the case of a wreck of a national vessel.

The goods and merchandize saved from the wreck shall be exempt from all the duties of the Customs unless cleared for consumption, in which case they shall pay the ordinary duties.

When a ship or vessel belonging to the subjects of one of the Contracting Parties is stranded or wrecked in the territories of the other, the respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall be authorized, in case the owner or master, or other agent of the owner, is not present, to lend their official assistance in order to afford the necessary assistance to the subjects of the respective States. The same rule shall apply in case the owner, master, or other agent is present, but requires such assistance to be given.

ARTICLE XIII.

All vessels which, according to Japanese law, are to be deemed Japanese vessels, and all vessels which, according to British law, are to be deemed British vessels, shall, for the purposes of this Treaty, be deemed Japanese and British vessels respectively.

ARTICLE XIV.

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the Contracting Parties, residing in the dominions and possessions of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

It is understood that this stipulation shall not apply to the subjects of the country where the desertion takes place.

ARTICLE XV.

The High Contracting Parties agree that, in all that concerns commerce and navigation, any privilege, favour, or immunity which either Contracting Party has actually granted, or may hereafter grant, to the Government, ships, subjects, or citizens of any other State, shall be extended immediately and unconditionally to the Government, ships, subjects, or citizens of the other Contracting Party, it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other on the footing of the most favoured nation.

ARTICLE XVI.

Each of the High Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents in all the ports, cities, and places of the other, except in those where it may not be convenient to recognize such officers.

This exception, however, shall not be made in regard to one of the Contracting Parties without being made likewise in regard to every other Power.

The Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents may exercise all functions, and shall enjoy all privileges, exemptions, and immunities which are, or may hereafter be, granted to Consular officers of the most favoured nation.

ARTICLE XVII.

The subjects of each of the High Contracting Parties shall enjoy in the dominions and possessions of the other the same protection as native subjects in regard to patents, trade-marks, and designs, upon fulfilment of the formalities prescribed by law.

ARTICLE XVIII.

Her Britanic Majesty's Government, so far as they are concerned, give their consent to the following arrangement :—

The several foreign Settlements in Japan shall be incorporated with the respective Japanese Communes, and shall thenceforth form part of the general municipal system of Japan.

The competent Japanese authorities shall thereupon assume all municipal obligations and duties in respect thereof, and the common funds and property, if any, belonging to such Settlements, shall at the same time be transferred to the said Japanese authorities.

When such incorporation takes place the existing leases in perpetuity under which property is now held in the said Settlements shall be confirmed, and no conditions whatsoever other than those contained in such existing leases shall be imposed in respect of

such property. It is, however, understood that the Consular authorities mentioned in the same are in all cases to be replaced by the Japanese authorities.

All lands which may previously have been granted by the Japanese Government free of rent for the public purposes of the said Settlements shall, subject to the right of eminent domain, be permanently reserved free of all taxes and charges for the public purposes for which they were originally set apart.

ARTICLE XIX.

The stipulations of the present Treaty shall be applicable, so far as the laws permit, to all the Colonies and foreign possessions of Her Britannic Majesty, excepting to those hereinafter named, that is to say, except to—

India.
The Dominion of Canada.
Newfoundland.
The Cape.
Natal.
New South Wales.
Victoria.
Queensland.
Tasmania.
South Australia.
Western Australia.
New Zealand.

Provided always that the stipulations of the present Treaty shall be made applicable to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given to the Japanese Government by Her Britannic Majesty's Representative at Tôkiô within two years from the date of the exchange of ratifications of the present Treaty.

ARTICLE XX.

The present Treaty shall, from the date it comes into force, be substituted in place of the Conventions respectively of the 23rd day of the 8th month of the 7th year of Kayei, corresponding to the 14th day of October, 1854, and of the 13th day of the 5th month of the 2nd year of Keiou, corresponding to the 25th day of June, 1866, the Treaty of the 18th day of the 7th month of the 5th year of Ansei, corresponding to the 26th day of August, 1858, and all arrangements and Agreements subsidiary thereto concluded or existing between the High Contracting Parties; and from the same date such Conventions, Treaty, Arrangements, and Agreements shall cease to be binding, and, in consequence, the jurisdiction then exercised by British Courts in Japan, and all the exceptional privileges, exemptions, and immunities then enjoyed by British subjects as a part of or appurtenant to such jurisdiction, shall absolutely and without notice cease and determine, and thereafter all such jurisdiction shall be assumed and exercised by Japanese Courts.

ARTICLE XXI.

The present Treaty shall not take effect until at least five years after its signature. It shall come into force one year after His Imperial Japanese Majesty's Government shall have given notice to Her Britannic Majesty's Government of its wish to have the same brought into operation. Such notice may be given at any time after the expiration of four years from the date hereof. The Treaty shall remain in force for the period of twelve years from the date it goes into operation.

Either High Contracting Party shall have the right, at any time after eleven years shall have elapsed from the date this Treaty takes effect, to give notice to the other of its intention to terminate the same, and at the expiration of twelve months after such notice is given this Treaty shall wholly cease and determine.

ARTICLE XXII.

The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Tôkiô as soon as possible, and not later than six months from the present date.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done at London, in duplicate, this sixteenth day of July, in the year of our Lord one thousand eight hundred and ninety-four.

(L.S.) KIMBERLEY.

(L.S.) AOKI.

Protocol, signed at London, July 16, 1894.

THE Government of Her Majesty the Queen of Great Britain and Ireland and Empress of India, and the Government of His Majesty the Emperor of Japan, deeming it advisable in the interests of both countries to regulate certain special matters of mutual concern, apart from the Treaty of Commerce and Navigation signed this day, have, through their respective Plenipotentiaries, agreed upon the following stipulations :—

1. It is agreed by the Contracting Parties that one month after the exchange of the ratifications of the Treaty of Commerce and Navigation signed this day, the Import Tariff hereunto annexed shall, subject to the provisions of Article XXIII of the Treaty of 1858 at present subsisting between the Contracting parties, as long as the said Treaty remains in force and thereafter, subject to the provisions of Articles V and XV of the Treaty signed this day, be applicable to the articles therein enumerated, being the growth, produce, or manufacture of the dominions and possessions of Her Britannic Majesty, upon importation into Japan. But nothing contained in this Protocol, or the Tariff hereunto annexed, shall be held to limit or qualify the right of the Japanese Government to restrict or to prohibit the importation of adulterated drugs, medicines, food, or beverages; indecent or obscene prints, paintings, books, cards, lithographic or other engravings, photographs, or any other indecent or obscene articles; articles in violation of patent, trade-mark, or copyright laws of Japan; or any other article which for sanitary reasons, or in view of public security or morals, might offer any danger.

The *ad valorem* duties established by the said Tariff shall, so far as may be deemed practicable, be converted into specific duties by a Supplementary Convention, which shall be concluded between the two Governments within six months from the date of this Protocol; the medium prices, as shown by the Japanese Customs Returns during the six calendar months preceding the date of the present Protocol, with the addition of the cost of insurance and transportation from the place of purchase, production, or fabrication, to the port of discharge, as well as commission, if any, shall be taken as the basis for such conversion. In the event of the Supplementary Convention not having come into force before the expiration of the period fixed for the said Tariff to take effect, *ad valorem* duties in conformity with the rule recited at the end of the said tariff shall, in the meantime, be levied.

In respect of articles not enumerated in the said tariff, the General Statutory Tariff of Japan for the time being in force shall, from the same time, apply, subject, as aforesaid, to the provisions of Article XXIII of the Treaty of 1858 and Articles V and XV of the Treaty signed this day respectively.

From the date the tariffs aforesaid take effect, the Import Tariff now in operation in Japan in respect of goods and merchandize imported into Japan by British subjects shall cease to be binding.

In all other respects the stipulations of the existing Treaties and Conventions shall be maintained unconditionally until the time when the Treaty of Commerce and Navigation signed this day comes into force.

2. The Japanese Government, pending the opening of the country to British subjects, agrees to extend the existing passport system in such a manner as to allow British subjects, on the production of a certificate of recommendation from the British Representative in Tôkiô, or from any of Her Majesty's Consuls at the open ports in Japan, to obtain upon application passports available for any part of the country, and for any period not exceeding twelve months, from the Imperial Japanese Foreign Office in Tôkiô, or from the chief authorities in the Profecture in which an open port is situated; it being understood that the existing Rules and Regulations governing British subjects who visit the interior of the Empire are to be maintained.

3. The Japanese Government undertakes, before the cessation of British Consular jurisdiction in Japan, to join the International Conventions for the Protection of Industrial Property and Copyright.

4. It is understood between the two High contracting Parties that, if Japan think it necessary at any time to levy an additional duty on the production or manufacture of refined sugar in Japan, an increased customs duty equivalent in amount may be levied on British refined sugar when imported into Japan, so long as such additional excise tax or inland duty continues to be raised.

Provided always that British refined sugar shall in this respect be entitled to the treatment accorded to refined sugar being the produce or manufacture of the most favoured nation.

5. The undersigned Plenipotentiaries have agreed that this Protocol shall be submitted to the two High Contracting Parties at the same time as the Treaty of Commerce and Navigation signed this day, and that when the said Treaty is ratified the agreements contained in the Protocol shall also equally be considered as approved, without the necessity of a further formal ratification.

It is also agreed that this Protocol shall terminate at the same time the said Treaty ceases to be binding.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at London, in duplicate, this sixteenth day of July, in the year of our Lord one thousand eight hundred and ninety-four.

(L.S.) KIMBERLEY.

(L.S.) AOKI.

Annex. (Tariff.)

Articles.	*Ad valorem* Rates of Duty.
	Per cent.
Caoutchouk, manufactures of	10
Cement, Portland	5
Cotton—	
Yarns	8
Tissues of all sorts, plain or mixed with tissues of flax, hemp, or other fibre, including wool, the cotton, however, predominating	10
Glass, window, ordinary—	
(*a*) Uncoloured and unstained	8
(*b*.) Coloured, stained, or ground	10
Hats, including also hats of felt	10
Indigo, dry	10
Iron and steel—	
Pig and ingot	5
Rails	5
Bar, rod, plate, and sheet	7½
Tinned plates	10
Galvanized sheet	10
Pipes and tubes	10
Lead, pig, ingot, and slab	5
Leather—	
Sole	15
Other kinds	10
Linen—	
Yarns	8
Tissues	10
Mercury or quicksilver	5
Milk, condensed or dessicated	5
Nails, iron	10
Oil, paraffin	10
Paint in oil	10
Paper, printing	10
Refined sugar	10
Saltpetre	5
Screws, bolts, and nuts, iron	10
Silk, satins, and silk and cotton mixtures	15
Tin—	
Block, pig, and slab	5
Plates	10
Wax, paraffin	5
Wire—	
Telegraph	5
Iron and steel, and small rod iron and steel not exceeding ¼ inch in diameter	10
Woollen and worsted—	
Yarns	8
Tissues of all sorts, plain or mixed with other material, the wool, however, predominating	10
Yarns of all sorts, not specially provided for	10
Zinc—	
Block, pig, and slab	5
Sheet	7½

Rule for calculating ad valorem *Duties.*

Import duties payable *ad valorem* under this Tariff shall be calculated on the actual cost of the articles at the place of purchase, production, or fabrication, with the addition of the cost of insurance and transportation from the place of purchase, production, or fabrication, to the port of discharge, as well as commission, if any exists.

Foreign Office,

Sir, *July* 16, 1894.

WITH reference to Article XIX of the Treaty between Great Britain and Japan signed this day, in view of the fact that some of the British Colonies and foreign possessions enumerated in that Article might be prevented from acceding to the present Treaty by reason of their inability to accept the stipulations relating to military service contained in Article II of the said Treaty, and in order to avoid future misunderstandings, Her Majesty's Government request from the Government of Japan an assurance that any of the said British Colonies and possessions may accede to the present Treaty under the condition that, notwithstanding such accession, they shall not be bound by the stipulations of Article II.

I have the honour to be

with the highest consideration,

Sir,

Your most obedient,

humble Servant,

KIMBERLEY.

Viscount Aoki,

&c. &c. &c.

Japanese Legation,

Monsieur le Comte, *London, July* 16, 1894.

IN reply to the note of Her Majesty's Government, referring to Article XIX of the Treaty between Great Britain and Japan signed this day, and requesting, for the reasons given in the said note, an assurance that any of the British Colonies and foreign possessions enumerated in that Article may accede to the present Treaty under the condition that, notwithstanding such accession, they shall not be bound by the stipulations of Article II, the Government of Japan hereby give the assurance desired.

I have the honour to be

with the highest consideration,

Monsieur le Comte,

Your Excellency's most obedient,

humble Servant,

AOKI.

The Right Honourable

Earl of Kimberley, K.G.,

&c. &c. &c.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Japan, in virtue of special authorization from His Imperial Japanese Majesty's Government, has the honour to announce to Her Britannic Majesty's Principal Secretary of State for Foreign Affairs that the Imperial Japanese Government, recognizing the advantage of having the Codes of the Empire which have already been promulgated in actual operation when the Treaty stipulations at present subsisting between the Government of Japan and that of Great Britain cease to be binding, engage not to give the notice provided for by the first paragraph of Article XXI of the Treaty of Commerce and Navigation, signed this day, until those portions of said Codes which are now in abeyance are brought into actual force.

The Undersigned avails himself of this opportunity to renew to the Earl of Kimberley the assurance of his highest consideration.

(Signed) AOKI.

Japanese Legation,

London, July 16, 1894.

Memorandum.

THE Undersigned having on the 29th June, 1894, telegraphed to his Government as follows :—

"Board of Trade want to replace the words Japanese Customs 'Returns' by the words 'average prices,' because they say that these Returns already include the amounts for insurance, transport, &c."

The Undersigned received the following answer on the 11th July, 1894:—

"You can assure British Government that Customs Returns do not include issurance, transportation, or commissions; they contain original values only as prescribed in Tariff Convention, 1866. Customs Returns much better and more constant basis than average prices."

With reference to this the Undersigned has no hesitation to declare :—

1. That the prices which served as a basis to the Conventional Tariff of 1866 are not the prices which are adopted since in the Custom-house Statistics as the medium price of the imports.

2. That the Custom-house Statistics are made up on the contrary on actual documentary evidence which is at their disposal, and represent the average *original* prices, without the addition of insurance, transport, and commission.

3. The Regulations under which British trade is to be conducted in Japan (Treaty of the 26th August, 1858) contain the following at the end of Article III :—

"On each entry the owner or consignee shall certify in writing that the entry then presented exhibits the actual cost of the goods, and that nothing has been concealed whereby the Customs of Japan would be defrauded, and the owner or consignee shall sign his name to such certificate.

"The *original invoice* or *invoices* of the goods so entered shall be presented to the Custom-house Authorities, and shall remain in their possession until they have examined the goods contained in the entry."

The Undersigned is not aware that any subsequent arrangement has altered the principle of the production to the Custom-house of the *original invoices*, and it is his impression that these documents serve as material for the Custom-house Statistics which the Imperial Government wishes to adopt as basis.

The Austrian-Hungarian Treaty of the 18th October, 1869, contains the same stipulations, and it will be remembered that the Conference of Tôkiô for the Revision of the Treaties, 1882, accepted this Treaty as the model Treaty on which the revision was to be based.

(Signed) AOKI.

Japanese Legation,
London, July 13, 1894.

3RD ASSISTANT SECRETARY.
OCT 2 1894

No. 164.

COPIED. FOREIGN RELATIONS.
DIPLOMATIC BUREAU.
OCT 2

Legation of the United States,
Tokyo, Japan. September 8, 1894.

DEPARTMENT OF STATE.
OCT 1 1894
RECEIVED.

Mr. Dun
to the Secretary of State.

Subject:
Foreign military attachés will be permitted to accompany the Japanese army in Korea.

No. 164.

Legation of the United States,
Tokyo, Japan, September 6, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

Referring to my telegram of the 4th instant, I have the honor to inform you that some time since I made inquiry of H. E. the Minister for Foreign Affairs if military attachés of Legations would be permitted to accompany the Japanese army into the field during

during the existing war.

The Minister replied that at that time the Japanese military authorities were not prepared to furnish such accommodations and hospitalities as they should desire to extend to such foreign officers as might accompany them into the field, but in a short time the necessary preparations for their reception would be made.

On the 3rd instant, Viscount Mutsu sent me word that the necessary arrangements having been made, in case the United States desired to

send

send a military officer to Korea to watch the operations of the Japanese army in that country. He would be glad to receive from me an official communication to that effect.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

DIPLOMATIC BUREAU. OCT 3 1894
Secretary of State. OCT 2 1894
aek 4/1 E.I.R.

No. 165.

File

Legation of the United States,
Tokyo, Japan, September 5, 1894.

DEPARTMENT OF STATE. OCT 1 1894 RECEIVED.

Mr. Dun

to the Secretary of State.

Subject:

Elections for members of the Imperial Japanese Diet.

No. 165.

Legation of the United States,
Tokyo, Japan, September 5, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

The elections of members for a new House of Representatives of the Imperial Diet passed off quietly on the 1st instant. The returns are not yet complete. Of the two hundred and ninety three thus far returned of the three hundred members elected, one hundred and thirty

did

did not sit in the last House.

Upon the receipt of further information, I shall report to you the strength of the different parties in the new Diet.

It is generally believed that there will be, practically, no opposition to the Government in the new House of Representatives.

I have the honor to be,

Sir,

Your obedient servant,

Eustace Dun

3RD ASSISTANT SECRETARY.
No. 166 File
1894

File

DIPLOMATIC BUREAU.
OCT 1 1894

DEPARTMENT OF STATE.
OCT 1 1894
RECEIVED.

Legation of the United States,
Tokyo, Japan, September 6, 1894.

Mr. Dun
to the Secretary of State.

Subject:
No news from the seat of war.

No. 166.

Legation of the United States,
Tokyo, Japan, September 8, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D.C.

Sir:

No news of importance from Korea has been received since my No. 160, of date the 1st instant was written. So far as I can learn the situation there seems to be unchanged.

I have the honor to be,
Sir,
Your obedient servant,
Edwin Dun

File

TELEGRAM RECEIVED IN CIPHER.

ask file

DIPLOMATIC BUREAU
SEP 18 1894

From Tokio,

Dept 12, 1894.

GRESHAM,

Washington.

September 12, Can settle the question of the taxation Scotts Emulsion on the following terms;- printed directions on the bottles bringing preparation within the purview of the Japanese stamplaw, are to be removed;- Japanese Government will thereupon permit sale of the preparation free from tax as a food product upon the understanding if preparation is again brought within purview of the revenue laws the right of taxation renews. Foregoing arrangement satisfactory to the Agent of Scotts Emulsion.

Dun.

Post ace Tte

SEP 20 1894

TELEGRAM RECEIVED.

From Tokio.

18
Sept. 19, 1894.

Received M.

Gresham.

Washington.

✓ Confirmed 20 Sept. 94. M.

The following telegram has been received from the U. S. Minister at Seoul. Please cable Department Chinese army totally annihilated at Phyong Yang by Japanese Sixteenth - September.

Dun.

Mr Rockhill

OCT 27 1894

No. 167.

Legation of the United States,
Tokyo, Japan, Sept. 19, 1894.

DEPARTMENT OF STATE
OCT 11 1894
RECEIVED.

DIPLOMATIC BUREAU.
OCT 19 1894

Ack'd 29. Oct. '94. m

Mr. Dun
to the Secretary of State.

Subject:
The Internal Revenue Tax imposed upon Scotts Emulsion of Cod Liver Oil.

No. 167

Legation of the United States,

Tokyo, Japan, Sept. 19, 1894.

Honorable W. Q. Gresham

Secretary of State,

Washington, D. C.

Sir:

On the 27th of July, 1893,

I received from Mr. D. C. Hill,

Agent of Messrs. Scott and

Browne, a letter of date July

26, 1893, a copy of which I have

the honor to enclose herewith,

relating to the action of the

Japanese Government in classing

"Scotts Emulsion of Cod Liver Oil"

as

as a "Licensed Medicine"; and imposing upon it the stamp dues that such preparations are required to pay under the Licensed Medicine Regulations of Japan. Mr. Hill, as you will please observe, disclaims any desire to question Japan's right to impose a stamp tax upon Scotts Emulsion, on the ground that such tax is in contravention of Articles III and IV of the Treaty of 1858, but confines himself to a statement of facts which should, in his opinion, exempt Scotts Emulsion from the stamp

dues

No. 767. [illegible] II. [illegible]

1/ duly published under the Imperial Maritime Regulations of Japan. In your despatch No. 111 under reply, you referred to the question of the right of the Japanese Government to impose a tonnage dues upon all vessels actually entering the ports duly established by treaty which had visited [illegible]

2/ On August 9th, 1893, I addressed a note, duly enclosed herewith, to H. I. J. M.'s Minister for Foreign Affairs, inclosing a copy of Mr. Hill's letter to me and requesting for it the consideration of His Imperial Majesty's Government. On the 20th October, 1893 I received from the Minister

for

for Foreign affairs. I reply, of that
letter, a copy enclosed herewith as
my note of August 7th, to which
reference the Minister informs me
that, having referred this
matter to the Minister for Home
Affairs he was in receipt of a
reply to the effect that, for
the reasons set forth, it had
been decided that Dr. [illegible]
could not, consistently with the laws of Japan, be
allowed the privileges of [illegible]
The Minister also encloses to
me a memorandum from the
Minister for Home affairs relating to Licensed Medicines,
copy of which is enclosed
herewith.

herewith.

I was prevented by illness from communicating upon the subject with the Minister for Foreign Affairs until December 5, 1892. On that day however I addressed a note herewith to him acknowledging the receipt of his note of October 20th stating that, in my opinion, the ruling of the Minister for Home Affairs by unfairly upon an American product, that this ruling was in effect a discrimination against an American commodity, and, to support my contention, I sent to the Minister certain preparations

7

of foreign manufacture that had caused to be purchased of dealers in Fiji, that were not taxed and that, in my opinion, came clearly within the meaning of the term "Patent Medicines" as determined by Section 7 of the Amendment of the Minister for Revenue.

I pointed out to the Minister that I had just given as the intention that the Internal Revenue Laws as applied to preparations of this kind are not equally enforced; that certain preparations are exempt from taxation, and other preparations of exactly similar nature

"duties to be taxed; and that,
"therefore, in practice, there is
"a discrimination against
"other nations;" and I concluded
my note by "suggesting" "if
"Spain's Constitution of October
"6th cannot be relieved of this
"tax, that I may be informed
"why it is that exactly
"similar products of English,
"French and German
"manufactures are freely sold
"in Spain without the
"payment of such tax."

Not having been favored
with a reply to my note, on
March 31, 1874, I addressed

a

a verbal note to the Minister for Foreign Affairs copy enclosed herewith, requesting to be informed if the subject matter submitted in my note of December 5, 1898, would receive the consideration of his government. In response to this inquiry the Minister sent Mr. Kurino, then Chief of the Political Bureau of the Foreign Office, and the Japanese representative at Washington, to call and Mr. Kurino informed me that Mr. Motono desired very much to come to some satisfactory arrangement

in

in regard to Sir Ernest Satow's
that owing to the protracted
illness of Count Inouye,
Minister for Home Affairs, with
whom he had the matter under
consideration, he was at that
time unable to say definitely
what would be done in the
matter, but that he hoped soon
to be in a position to inform
me of a satisfactory settlement
of the question.

Since Mr. Kurino's visit,
and until very recently,
matters of vital importance
to Japan have engaged the
attention of the Minister
for Foreign affairs to the

exclusion

exclusion of the question under consideration.

In the meantime, in consequence of representations from Messrs. Hall, the printed directions bringing Scotts Emulsion within the purview of the "Licensed Medicine Regulations" no longer accompany the bottles of that preparation imported into Japan. This change in the labels on the bottles containing Scotts Emulsion was, a short time since, brought by me to the knowledge of the Minister for Foreign Affairs.

On the 12th instant I

was

[illegible] II [illegible]
distributed by Mr. H. M.
Stanley by the Foreign Office,
and he directed that the same
should be delivered by the Minister to
any of the officers directing
the [illegible] Expedition
[illegible] printed in the English
[illegible] to the Public Library of
Zanzibar [illegible]
the Japanese Government were
prepared to permit the sale
of the Japanese [illegible] free
from duties, upon
the understanding that if
the Importation should again
be brought within the purview
of the Licensed Medicines
Regulations

Regulations, by attaching the same or similar tax to the articles, the right of taxation should arise. I do not understand that Japan without authority from any foreign nation to do so, could not admit Japanese right to any American commodity that should thereby pass the customs duties stipulated by treaty, that the understanding required by the Japanese Government before removing Canada from the Embargo of the stamp tax involved a question of principle that I did not feel

felt myself authorized to decide upon, but that I would submit the question to my Government by telegraph. In consequence of this interview with Mr Denison I had the honor to send you my telegraphic despatch of the 12th instant, the reading of which I enclose herewith.

In conclusion I desire to say that when Mr Hill's letter to me was submitted to the Minister for Foreign Affairs in August of last year I had reason to believe that Scott's Emulsion would soon be relieved of the tax complained

Lord Salisbury says that it was not necessary to submit the above despatch to the Queen before sending it to the Department until the question had been satisfactorily disposed of, but circumstances have delayed its consideration and final submission to your Lord.

I have the honor to be, Sir, your obedient servant,

Edwin Dun

Enclosures: 1. Mr. Hill to Mr. Dun. July 26, '93. Copy

2. Mr. Dun to Minister for For. affairs. Aug 7. 93 - Copy

3. Minister for For. affairs to Mr. Dun. Oct. 20, '93 - Copy.

4. Memorandum of the Min. for Home Affairs. - Copy

5. Mr. Dun to the Minister for For. Affairs. Dec 5, '93, - copy.

6. " " " " " " " " Mch 31, '94 - "

7. Telegram. Mr. Dun to the Secretary of State Sept 12, 1894.

Enclosure / with Mr. Dun's No. 164.

Copy.

Yokohama, July 26, 1893.

Dear Sir:

In our conversation on the 24th inst., you suggested that I present to you a memorandum of the views I then verbally expressed relative to the action of His Imperial Majesty's Government in declaring Scott's Emulsion of Cod Liver Oil to be that kind of medicine which should bring it under the provisions of the Law relative to the sale of Patent Medicines.

I find from an examination of the papers, and correspondence in the case, that I was in error in stating that an Edict or Regulation had been issued by the Imperial Government, so classing it, but I find the facts to be as follows:-

The local authorities at Osaka directed certain Japanese subjects who were selling the article in question to obtain a license permitting them to sell the same, and that in Tokio certain others who were selling were warned by the authorities that they must obtain licenses, in accordance with the provisions of the Regulations for the sale of Licensed Medicines, and when so warned, they filed a declaration that they would no longer continue to sell the article.

When this occurred, the China & Japan Trading Co., who were importing the Emulsion at that time, instead of

appealing

appealing to the General Government from the action of the local authorities, and asking an opportunity to be heard upon the question, or furnishing the Government with any facts in regard to the same, stated to the Representative of the United States the facts as they appear, and making complaint that such action was in contravention of the treaty governing the trade between the two countries, upon which ensued a long correspondence between the respective Governments, relative to th the matter at issue,-Treaty Rights.

With this discussion the Proprietors of the Emulsion, not fully understanding the issue, had very little to do, as they could not understand why their preparation should be classed as a Patent Medicine, as it is so characterized in the correspondence, when in all the world besides it was not so held to be, and so the matter remains at present.

The history of the Emulsion in Japan goes back much further than 1887,- the time of the visit of the representative of Messrs. Scott and Browne to this country- for upon inquiry I find that Dr. Hashimoto was using it in his practice some twelve years ago, and from that time to the date of the action of the Osaka authorities, it has been sold to and been used by the subjects of His Imperial Majesty without let, hindrance or question , and it remained for the officers of that cityto discover that Scott's Emulsion of Cod Liver Oil

was

was a Patent Medicine,- coming under the Regulation for the sale of Licensed Medicines, when in no other country, after an existence of more than 25 years, had it been so characterized.

From information I have received I think it can be e explained. In the early part of 1890, or the latter part of 1889, as I am creditably informed, there appeared in Osaka a preparation that was advertised as an Emulsion of Cod Liver Oil, equal, if not superior, to Scott's. They adopted the same colored wrapper and imitated the trade mark of Messrs. Scott & Browne in this way. Our trade mark being a triangle with three capital P's,- thus P. P. P.) that of the imitation was thus,-  the three P's being replaced by the representation of three fishes. As no complaint as to the sale of Scott's Emulsion without license was ever made before the appearance of the imitation, and that complaint having been made shortly after the appearance of the same, is it not a fair conclusion to draw that it was not in the interest of the Imperial Government that prompted the complaint, but was it not made in the interest of a supposed rival who hoped, by placing additional burdens upon the sellers of Scott's Emulsion, to compel the people to adopt their counterfeit?

I am led to believe that there has never been any Edict or Regulation by the Imperial Government relative to the sale of the Emulsion, from the fact that I was informed by Agents in one of the provinces of the Empire that they have never received any order or direction from any

any souce relative to its sale, and that they were as had been for the last six years sellin it without any interfer ence on the part of the authorities, local or general.

Such being the case, will it be well to submit to the Imperial Government for decision the question that would settle the matter, i. e.; Is Scott's Emulsion of Cod Liver Oil such a preparation as shall render it liable to be classed as a Patent Medicine and thus bring it under the Regulations for the sale of Medicines?

If my translation is correct, the following is Art.1 or Chap. 1 of such Regulations:

"By the term Medicine in this regulation is meant "such Medicines manufactured and sold, accompanied by "explanations setting forth efficacy, such as pills, "ointments, medical paste, drinks, medical bath, powders, "decoctions etc."

Now under which of these can be classed our preparation, I am at a loss to decide,- for it would be straining a point to do so under either.

Cod Liver Oil is too well known to need any description;- as an article of commerce it enters into the arts, and is largely used in the preparation of leather.

By being emulsified with mucilage it does not change its nature, though it loses its disagreable odor, and is prepared for acceptance by the most delicate

stomach.

stomach. It is sold in all the drug stores of the Empire in its crude state for the very purposes for which it is prepared by us, while under the form of an Emulsion it has been advanced to the stage of digestion, and can be readily assimilated or absorbed into the system to nutrify and build it up, without taxing the organs of digestion,- thus preserving all the remedial powers of the Oil. The addition of the hyperphosphates of Lime and Soda is made to enable the Oil to better fill its condition as a remedial agent in furnishing a tonic for the brain and nervous system, for which they are unexelled.

We claim it is one of the best food prepapations, and should no more be classed as a Patent Medicine than Nestles Food, an compound of milk, sugar and flour, specially prepared under a patent process.

Than the Extract of Malt, which is but a preparation of malt.

Than Valentine's Meat Juice, or Liebig's Extract of Beef, both of which are protected by letters patent; or,

Kemmorich's Flesh and Pepsin, all of which are of foreign manufacture, put up and sold in Japan, accompanied by explanations setting forth their efficacy, yet not one of them is classed as a Licensed Medicine. I find also an Emulsion of Castor Oil, the ingredients of which I do not know, being sold without being classed as a Licensed Medicine.

It

It is right they should not be, for they are all food products as their base is Beef or Grain or Milk, as ours is Fish.

Medicines which are rightly classed as Patent Medicines such, as Ayr Ayer's Sarsaparilla and Pills, Horsford's Hyperphosphates, cough syrups, catarrh specifics, Pain Killers, Mother Siegle's Syrup, kidney specifics, all of which are composed entirely of drugs and chemicals, and which come within the meaning of the law, .Their combinations are al secret , or patented under the laws of the country where they are made, while the formula for Scott's Emulsion is published to the world and is found on each bottle furnished as a sample to the doctors, and is as follows:-

50% of the finest Norwegian Cod Liver Oil.

6 grains of Hyperphosphates of Lime, and

3 grains of Hyperphosphates of Soda to the fluid ounce, emulsified with pure Glycerine and Mucilage, which at once suggests to the medical mind an ideal combination for combatting wasting deseases.

As I said before, I doubt very much if this phase of the question has ever been presented to the Imperial Government as it ought to have been when the question first arose, for I do not believe but that had it been so we would have experienced at their hands that same fairness that has characterized the treatment of the

question

question by other nations, and is the only phase of the question that should have been presented, as I repeated in my conversation to you, and on it we are willing to stand by the verdict that shall be rendered. We have come to Japan, not to antagonize the Government, but to comply with all the laws, rules and regulations as they are in force, and only ask that consideration which Governments always accord to the most humble.

Very respectfully,

Your obedient servant,

(Signed) J. C. Hill,

Agent for Scott & Browne.

The Hon. Edwin Dun,

The United States Minister to Japan,

Tokio.

Enclosure 2 with Mr. Dun's No. 167.

Copy.

No. 4. Legation of the United States,

Tokio, August 7th, 1893.

His Excellency

Mutsu Munemitsu,

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

Sir:

I have the honor to enclose herewith copy of a communication I have received from Mr. J. C. Hill, Agent for Messrs. Scott and Browne, requesting thay His Imperial Majesty's Government will consider certain facts which Mr. Hill sets forth clearly in his letter to me, as to whether or not the preparation known as Scott's Emulsion of Cod Liver Oil should be classed as a patent medicine, thus bringing it under the Regulations for the sale of medicines of that character and imposing upon it the internal revenue and other taxes that such preparations are required to pay.

Your Excellency will please observe that Mr. Hill does not for a moment question the right of the Imperial Government to decide finally upon the question he has raised. His paper is submitted only for the purpose of bringing to the attention of the Imperial Government certain facts which, he believes, have not yet been taken

into

into consideration in connection with the classification of Scott's Emulsion of Cod Liver Oil as a patent medicine

I have the honor to request that Mr. Hill's paper may obtain the consideration of the proper authorities of His Imperial Majesty's Governemnt and that their decision in the premises may be communicated to me.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed.) Edwin Dun.

Enclosure 3 with Mr. Dun's No. 167.

Copy.

Translation.

No. 31. Department of Foreign Affairs,
Tokio the 20th day, the 10th month,
the 26th year of Meiji.

His Excellency
Edwin Dun,
E. E. and M. P. of the United States of America.
Sir:

I have the honor to acknowledge the receipt of Your Excellency's note No. 4, dated the 7th August last, enclosing copy of a communication you had received from Mr. J. C. Hill, Agent for Messrs. Scott and Browne, in reference to Scott's Emulsion of Cod Liver Oil which, a few years ago, the Imperial Government declaredto be classed as a Licensed Medicine, and caused its dealers to affix proper stam thereon, and requesting me to furnish you with information as to whether or not the said preparation should be brought under the Licensed Medicine Regulations of the Empire.

In reply I beg to acquaint Your Excellency that having at once referred the matter to H. I. J. M. Minister of State for Home Affairs, I am now in receipt of a reply to the effect that, the said preparation being an emulsion of cod liver oil mixed with hyper-phosphates and glycerine, accompanied by a description setting forth complaints for which it is to be administered, its remedial effects, directions for use, dose etc,

and

and being so preparedas to be readily used by any person it should be classed as a licensed medicine.in accordance with the laws of Japan, and furtherthat although remedial effects and directions for use,etc, of any medicine are not described, if they are indicated by some other means, the same cannot but be classed as a Licensed Medicine. The Minister of State for Home Affairs has furnished me with a memorandum relating to Licensed Medicines which I beg to enclose herewith together with its English translation.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed.) Mutsu Munemitsu,

Minister for Foreign Affairs.

With Enc. 4 with Mr. Dun's No. 167.

Copy.

(Translation.)

MEMORANDUM.

1. The term "Licensed Medicine" applies to such medical preparations as are accompanied by directions for use, s statement of remedial effects, and complaints for which they are to be administered, and so prepared as to be readily used by any person for remedy.

2. Any medical preparation which, though not accompanied by a description of remedial effects, and complaints for which it is to be administered, takes from its very name means and mode of sale similar character to the preparations mentioned in Sec. 1, shall also be classed de facto as a Licensed Medicine. Department of Justice, in instructions to all court s of justice, entertains same views on the subject.

3. Scott's Emulsion is classed as a Licensed Medicine because it possesses all essential conditions mentioned in Sec. 1.

4. Drugs and medicines which do not possess those essential conditions mentioned in Sec. 1, and which can only be used by those who have a special knowledge on the subject, such as physicians, are classed as drugs and Medicines for medicinal purposes, and not as Licensed Medicines.

5. As the German preparation "Mangan Eisen" comes under the conditions mentioned in Sec.4, the same has been

classed

classed as a drug for medicinal purposes, and not as a licensed medicine.

6. The distinction between Licensed Medicines and Medical Drugs is a s described in the preceeding paragraphs. Consequently, one and the same article, for example, tinctura amara, may be sometimes regarded as a Licensed Medicine and sometimes not. There are, however, a few cases where the distinction is made according to the character of the preparation; for example, "Hotan" is regarded as a Licensed Medicine in whatever form it may be sold.

7. Trade in Licensed Medicines is carried on by the manufacturers, wholesale or retail dealers or peddlers, according to the Licensed Medicine Regulations, while trade in Drugs or Medicines is carried on by apothecaries druggists, pharmaceutists or physicians according to Law No. 10, thereby making a great difference in the ways of their sale.

8. Articles for nourishment or of toilet, a few of which are occasionally accompanied by statements of their medical effects, are not classed as Licensed M Medicines in case their essential objects are not to cure deseases. "Health", "Fleisch Pepton", white powder, tooth-powder etc belong to this class.

Enclosure 5 with Mr. Dun's No. 167.

Copy.

No. 13. Legation of the United States,

Tokyo, December 5, 1893.

His Excellency

Mutsu Munemitsu

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

Sir:

I have the honor to acknowledge the receipt of Your Excellency's noteNo. 31, of date October 20, 1893, enclosing a memorandum from His Excellency the Minister of State for Home Affairs, relating to "Licensed Medicines" and giving the reasons why the American preparation known as Scott's Emulsion of Cod Liver Oil was declared by the Imperial Government a "licensed medicine."

The memorandum states:

"The term 'licensed medicine'
"applies to such medical preparations as are accompanied
"by directions for use, statement of remedial effects
"and complaints for which they are to be administered,
"and so prepared as to be readily used by any personfor
"remedy."

"Section2.-Any medical preparation which , although not
"accompanied by description of re medial effects, and
"complaints for which it is to be administered, takes
"from it very means and mode of sale similar character
"to the preparations mentioned in Section 1 should also

be

"be classed, de facto, as a 'licensed medicine' Department
"of Justice in instructionsto all courts of Japan
"entertains same views on the subject.

The memorandum of the Minister of State for Home Affairs defines clearly the distinction that is made by the laws of Japan between what are classed as "drugs and "medicines for medicinal purposes" and "licensed medicines", and section 3 of the memorandum says:
"Scott's Emulsion is classed as a 'licensed medicine'
"because it possesses all essential conditions mentioned
"in Section 1.

Without raising the question of the right of the Imperial Government to impose a revenue tax upon an American commodity that has already paid the customs duty stipulated by treaty, I must accept the declaration made by the Minister of State for Home Affairs that Scott's Emulsion is a licensed medicine and, therefore, subject to the internal revenue tax that licensed medicines are required by law to pay, unless I can make it clear to Your Excellency that the ruling of the Minist Minister of State for Home Affairs bears unfairly upon an American production; that other imported preparations in respect to which the laws of Japan, as quoted by the Minister of State for Home Affairs, apply with equal force as upon the American production, are freely sold in Tokyo and , doubtless, othercities in Japanwithout paying the tax required of the American production , and

in

in fact, that this ruling is, in effect, a discrimination against an American commodity that comity and the sense of justice that have always governed the relations between the United States and Japan demand shall be given an equal footing in the Japanese markets with similar commodities offered for sale in this country.

I have the honor to send herewith, for Your Excellency's inspection, three preparations purchased of dealers in Tokyo by an official of this Legation under my direction. These preparations are labeled:

No. 1.- "pure Hardeum Lime Malt Extract", prepared by Loefland and Co., London.

No. 2.- "Quina Laroche", a French preparation made in Paris.

No. 3.- "Fleisch Pepton", a German preparation from Hamburg.

Each of these preparations is "accompanied by directions "for use, statement of remedial effects, and complaints "for which they are to be administered, and <u>are so</u> "<u>prepared as to be readily used by any person for remedy</u>.

Yet these preparations pay no internal revenue tax. I note that Section 8 of the memorandum of the Minister of State for Home Affairs states that "Fleisch Pepton" is not classed as a "licensed medicine" on the ground that it is an article of nourishment. I fail to understand why it should be classed as an article of nourishment and Scott's Emulsion as a licensed medicine. They are

used

used, and used only, under exactly similar conditions, i.e as easily digested preparations to maintain and build up the strength of invalids. Neither one is ever used as ordinary "articles of nourishment. That this statement cannot be successfully disputed I think I need only refer Your Excellency to the selling price of "Fleish Pepton" in Tokyo; to wit, Yen 2.47 for a small tin box of the preparation. This price would seem to make "Fleisch Pepton" prohibited for any other than medical use.

As for the English and French preparations, I need only ask your inspection of the directions etc upon use the packages to convince Your Excellency that they are purely medical preparations and come clearly within the meaning of the term "licensed medicines as determined by Section 1 of the memorandum.

I have selected the three preparations herewith from other untaxed preparations that I have purchased in Tokyo, in the first place, as they serve to prove clearly that I have just grounds for the contention that the Internal Revenue Laws of Japan, as applied to preparations of this kind, are not equally enforced; that certain preparations are exempt from taxation and other preparations of an exactly similar nature are taxed; and that, therefore, in practice, there is a discrimination against the latter. And, secondly, that they are articles of import from the three other countries which, next to

the

Enc. 5 with Mr. Dun's No. 167, page5.

the United States , have the largest trade with Japan.

I very earnestly and respectfully request that Your Excellency's Government will again consider the conditions under which this article of American trade is required to pay an internal revenue tax of tenper centum ad valorem, and if Scott's Emulsion of Cod Liver Oil cannot be relieved of this tax, that I may be informd informed why it is that exactly similar products of English, French and German manufacture are freely sold in Japan without the payment of the same tax.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed.) Edwin Dun.

Enclosure 6 with Mr. Dun's No. 167.

Copy.

The Minister of the United States presents his compliments to His Imperial Japanese Msjesty's Minister for Foreign Affairs and respectfully requests to be informed if the subject matter submitted in his note No. 13, of date December 5th, 1893, will soon receive the consideration of His Excellency's Government.

March 31, 1894.

Enclosure 7 with Mr. Dun's No. 167.

Reading of a cipher telegram transmitted to the Secretary of State, September 12, 1894.

"Tokio, September 12, 1894.

"September twelvth, Gresham, Washington.

"Can settle the question of the taxation of "Scott's Emulsion on the following terms: Printed "directions on the bottles bringing preparation within "the purview of the Japanese stamp law are to be removed. " Japanese Government will thereupon permit sale of "the preparation free from tax as a food product, upon "the understanding that if preparation is again brought "within purview of the revenue laws, the right of "taxation revives. Foregoing arrangement satisfactory " to the agent of Scott's Emulsion.

"Dun."

COPIED. FOREIGN RELATONS.

3RD ASSISTANT SECRETARY.
OCT 11 1894
No. 168.

Oct 11/94 Note & Inclosure
Letter Mr Allen
Think you keep a list of treaties!
Taylor

Legation of the United States,
Tokyo, Japan, September 20, 1894.

DEPARTMENT OF STATE.
OCT 11 1894
RECEIVED.

Mail Oct. 17, 1894

Mr. Dun

to the Secretary of State.

Subject:

Treaty of Alliance between Japan and Korea.

No. 168.

Legation of the United States,
Tokyo, Japan, Sept. 20, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D.C.

Sir

I have the honor to enclose herewith translation copy of a "Treaty of Alliance between Japan "and Korea" clipped from the Japan Mail of the 12th instant. This treaty was concluded at Seoul, Korea, August 26, 1894.

I have received information from the Foreign Office that the

the translation of the
treaty herewith is correct.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure:

Copy of treaty as above.

Encl. with Mr. Dun's No. 168.

The Japan Daily Mail.

YOKOHAMA, WEDNESDAY, SEPTEMBER 12, 1894.

TREATY OF ALLIANCE BETWEEN JAPAN AND KOREA.

In view of the fact that on the 25th of July, 1894, the Korean Government entrusted His Imperial Majesty's Envoy Extraordinary and Minister Plenipotentiary at Sōul, Korea, with the expulsion, on their behalf, of Chinese soldiers from Korean territory, the Governments of Japan and Korea have been placed in a situation to give mutual assistance both offensive and defensive. Consequently the undersigned Plenipotentiaries, duly authorized by their respective Governments, have, with a view of defining the fact and of securing in the premises concerted action on the part of the two countries, agreed to the following Articles:—

Article I.—The object of the alliance is to maintain the Independence of Korea on a firm footing and to promote the respective interests of both Japan and Korea by expelling Chinese soldiers from Korean territory.

Article II.—Japan will undertake all warlike operations against China, both offensive and defensive, while Korea will undertake to give every possible facility to Japanese soldiers regarding their movements and supply of provisions.

Article III.—This treaty shall cease and determine at the conclusion of a Treaty of Peace with China.

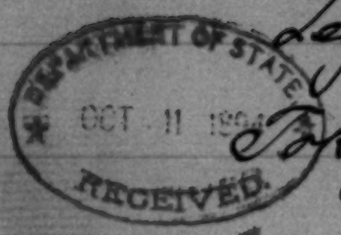
In witness whereof, the Plenipotentiaries of the two countries, have signed the treaty and hereunto affixed their seals.

Done at Sōul this 26th day of August, 1894.

(Signed) KEISUKE OTORI,
H.I.J.M.'s Envoy Extraordinary and Minister Plenipotentiary.

(Signed) KIM IN SHIOKU,
H.K.M.'s Minister for Foreign Affairs.

No. 169.



Legation of the United States,
Tokyo, Japan, Sept. 20, 1894.

OCT 11 1894

To Prof. N. A. Rowland
29 Oct. 94. M

Mr. Dun

to the Secretary of State.

Subject:

Units of Electrical Measure.

No. 169.

Legation of the United States,
Tokyo, Japan, Sept. 20, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

Referring to instruction No. 31, of date November 20, 1893, enclosing copies of a "Report of the Action of the International Electrical Congress held in Chicago, August, 1893, in the Matter of Units of Electrical Measure", and requesting me, in sending copies of the report to the Government

to

to which I am accredited, to ask that it will take the necessary measures to adopt the recommendations of the Congress upon the subject, I have the honor to enclose herewith copy of correspondence between H. I. J. M's. Minister for Foreign Affairs and myself, together with six copies of ("English translation") "Report of the "Committee on the Practical "Units of Electrical Quantities "and Light, Appointed by the "Imperial Japanese Government"

As you will please observe, from the report herewith,

the

the Japanese Committee does not entirely concur with the Chicago Electrical Congress in the recommendations of that Congress.

I have the honor to be

Sir,

Your obedient servant,

Edwin Dun

Enclosures:

1. Mr. Dun to the Min. for For. affairs Dec. 1893 - copy.
2. Min for Fr. aff. to Mr. Dun. Dec. 27, '93. - copy.
3. " " " " " " Sept. 4 '94. - copy.
4. Six copies of report of Jap. Committee.
5. Letter from Minister for Home affairs to Min. for Fr. affairs transmitting report. The translation of this letter is not yet finished and upon completion will be forwarded by the next mail.

(Received Oct. 3/94)

Enclosure 1 with Mr. Dun's No.

Copy.

No. 19. Legation of the United States,

Tokio, December 19, 1894. 3

His Excellency,

Mutsu Munemitsu,

His Imperial Japanese Majesty's Minister for

Foreign Affairs.

Sir:-

I have the honor to enclose herewith for Your Excellency's information a copy of the "Report of the action of the Inter-"national Electrical Congress held in Chicago, August 1893." "in the matter of Units of Electrical measures" which I am instructed by my Government to transmit to Your Excellency and to request that Your Excellency's Government may take the necessary measures to adopt the recommendations of the Electrical Congress upon the subject.

I am also instructed that a more complete report upon the subject will be sent me on its receipt from the American delegates to the Congress, which I shall have the honor to transmit to Your Excellency upon its receipt by me.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

Edwin Dun.

(Enclosure 2 with Mr. Dun's No. 169

Translation copy.

No. 36. Department for Foreign Affairs, Tokio, the 27th day, the 12th month, the 26th year of Meiji, (December 27, 1894). 3/

His Excellency,

Edwin Dun,

Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

Sir:-

With reference to Your Excellency's note of the 19th instant, enclosing a copy of the "Report of the Action of the "International Congress held in Chicago, August 1893, in the "matter of Units of Electrical Measure", which you are instructed by your Government to transmit to me and to request that my Government may adopt the recommendations of the Electrical Congress upon the subject of legal units of Electrical measure, I have the honor in reply to say that the particulars of your communication have been referred to the authorities concerned.

I avail myself of this occasion to renew to your Excellency the assurances of my highest consideration.

Mutsu Munemitsu,

Minister for Foreign Affairs.

Enclosure 3 with Mr. Dun's No. 169

Translation copy.

No. 35. Department for Foreign Affairs, Tokio, the 4th day the 9th month, the 27th year of Meiji (September 4, 1894.).

His Excellency,

Edwin Dun,

Envoy Extraordinary and Minister Plenipotentiary of the United States of America.

Sir:-

With reference to my note in reply to Your Excellency's of the 19th of December last requesting me that the Imperial Government may adopt the recommendations of the International Electrical Congress which was held in Chicago, August 1893, in the matter of Units of Electrical Measure, I have the honor to inform Your Excellency that in regard to Units of Electrical quantities and light, a communication to the same effect has been also received from the French Minister here and that the matter having been respectively referred to the Ministers of Communications and Education, I am now in receipt from the Ministers of a reply together with the report of the Committee specially appointed for the investigation of the subject. I beg leave therefore to enclose herewith copies of that reply and English translation of the report, which I request you will be good enough to transmit to your Government.

I avail myself of this occasion to renew to your Excellency the assurances of my highest consideration.

Viscount Mutsu Munemitsu,

Minister for Foreign Affairs.

4

(ENGLISH TRANSLATION.)

Report of the Committee on the practical units of electrical quantities and light, appointed by the Imperial Japanese Government.

Since the British Association initiated the general employment of named and defined units of electrical measurements, the choice of international units of electrical quantities has been considered and discussed by several official and unofficial conferences.

The present committee after considering what has been done and proposed in this matter, and feeling the present and future importance of a comprehensive and judicious selection of such units as will ultimately, if not at once, meet with universal approval and adoption, has resolved as follows :—

I.—That, having regard to the further development of electricity, both in theory and in practice, it does not seem desirable to legalise the units proposed by either the French or the American (U. S.) Government.

II.—That, the practical units of electrical quantities should be based upon the electromagnetic system of units, and should be expressed in terms of length, mass and time, without reference to any specific property of matter.

III.—That, the denominations and magnitudes of practical units of electrical quantities should be as follows :—

1.—The practical unit of electric resistance should be denominated the Ohm and should have the value of 10^8 units of resistance on the C. G. S. system of electromagnetic units.

2.—The practical unit of electric current should be denominated the Ampere and should have the value of one unit of current on the C. G. S. system of electromagnetic units.

3.—The practical unit of electromotive force should be denominated the Volt and should have the value of 10^8 units of electromotive force on the C. G. S. system of electromagnetic units.

4.—The practical unit of electric quantity should be denominated the Coulomb and should have the value of one unit of quantity on the C. G. S. system of electromagnetic units.

5.—The practical unit of electric capacity should be denominated the Farad and should have the value of 10^8 units of capacity on the C. G. S. system of electromagnetic units.

6.—The practical unit of electric work should be denominated the Joule and should have the value of 10^8 units of work on the C. G. S. system of electromagnetic units.

7.—The practical unit of electric power should be denominated the Watt and should have the value of 10^8 units of power on the C. G. S. system of electromagnetic units.

8.—The practical unit of inductance should be denominated the Henry and should have the value of 10^8 units of inductance on the C. G. S. system of electromagnetic units.

9.—For the present the qualifying word "Universal" should be prefixed to these denominations to distinguish them from those now in use.

IV.—That, the present state of science is not in a condition to define standard of measurement for the intensity of light.

Note.

The choice of dimensions of electrical units now in use, though fortunately based upon the C. G. S. system, is to be regretted in as much as it failed to adopt uniformity of dimensions. All who have followed the recent progress of electricity have repeatedly felt this want of uniformity in the system. When the British Association made its selection of those units in 1862, its committee was guided by the then existing state of electrical applications, the only extensive one of which was telegraphy. Of the immense stride which the applications of electricity have since made there was scarcely any conception.

Electric lighting, the electric transmission of power, the electric furnace, the telephone, and the electrostatic and electromagnetic effects of alternating currents now in daily use, were almost all unknown and hence the absence of any units of electric power, energy and inductance. As the progress of science will bring electricity into closer relations with other physical agents, the use of electrical units in combination with each other and with other quantities, will be ever increasing, and complications arising from the use of the present system of electrical units will become felt more and more: hence on behalf of the advancement of the science and practice of electricity the committee has proposed its amendments of the system of electrical units now in use.

This being agreed, there arose the important practical question what uniform multiple of the C. G. S. units should be selected, whether it should be the 10^9 C. G. S. system; viz.

Ohm	10^9		C. G. S.
Volt	10^9		„
Ampere	1		„
Coulomb	1		„
Farad	10^9		„
Joule	10^9		„
Watt	10^9		„
Henry	10^9		„

or the 10^8 C. G. S. system; viz.

Ohm	10^8		C. G. S.
Volt	10^8		„
Ampere	1		„
Coulomb	1		„
Farad	10^8		„
Joule	10^8		„
Watt	10^8		„
Henry	10^8		„

these two being apparently the most practicable systems.

It was claimed for the 10^9 system, that three of the units now in use being already of 10^9 or 10^9 C. G. S. units (ohm, farad and henry) there would be fewer units to be changed. That the ohm is a historical quantity being represented by the velocity of the earth-quadrant per second, electricians at large will be more inclined to preserve the ohm unchanged than the volt. That 10^9 being one billion will be more easily remembered.

On the other hand it was claimed for the 10^8 system, that in many recent applications of electricity small resistances which are represented by fractions of the represent ohm are often to be dealt with and it would therefore be of the practical utility to make the unit of resistance smaller, as is manifested by the fact that tenth-ohm coils have come to be added in the recent manufacture of resistance boxes by most instrument makers. That the preservation of the volt would be more desirable than that of the ohm, since electromotive forces of voltaic cells in common use are usually known without any measurement or calculation, being nearly 10^8 C. G. S. units, that is, the value of the present volt whereas resistance of any material is known only through measurement or calculation. That 10^8 standing between the 10^9 and 10^7 of the present units, none has to be multiplied or divided by more than ten, whereas if 10^9 be taken, the joule and the watt have to be increased a hundred fold, effecting a marked change and inconvenience. That the 10^8 ergs nearly corresponding of

one kilogram-metre of gravitational units of work it would be more convenient for engineers than the other. That 8 being an even number square roots of those electrical unit would have only to be multiplied by 10^4 in order to reduce them to the C. G. S. units, a calculation often required in diffusion of electrical disturbance.

After discussions on the arguments for and against the two systems at several meetings, it was decided, that the advantages claimed for the 10^8 system were of greater importance than those claimed for the other system, and the adoption of the former was finally agreed to.

The name of each electrical unit is now so closely associated with electrical quantity which it represents, that there could only be confusion in introducing a new set of denominations, and such seems to have been the opinion of electricians in general, for in all the alterations of the unit of resistance that have been made the name of ohm has been unchanged, thus the B. A. ohm, the Legal ohm, the International ohm, all representing slightly different resistances.

In the system now proposed the names of all the electrical units are preserved with the qualifying word "Universal" added, which when the system shall have actually become universal will of course be then superfluous, and may be dispensed with.

It is usual to specify practical methods for realising the units of electric resistance and current, and to express the rest of units in terms of these: or to define electrical units by referring to the results of experiment conducted in a certain specified manner. The history of definition of the ohm clearly shows the failure of the latter method. After adopting Resolution II. in this Report, such method may be left entirely optional, as any method which the progress of science shall have found most suitable can be used to that end.

For the present, the mercury standard may be taken for resistance as the practical standard. This amounts to the designation of the specific resistance of mercury, hence it will be more convenient to specify it by the variable number (mass of mercury) to be derived from experiment, instead of two (length and mass of mercury) thus:—"the ohm may be practically represented by the resistance offered to unvarying electric current by a column of mercury at the temperature of melting ice, 27,898 grammes in mass of a constant cross sectional area, and of the length one metre."

The practical unit of current is sometimes expressed by referring to the electrolysis of silver nitrate: but considering that the constant of electrolysis is derived from the determination of current by the dynamical

method, the committee thinks it more legitimate to define the unit of current by referring to dynamical action between circuits of known geometrical construction. For this purpose, standard coils may be made and preserved in the shape of the Kelvin balance.

The practical standard of electromotive force as defined by the so called standard cells must be considered as a secondary standard, in so far as its constants are usually derived from the measurement of current and resistance.

Though the committee by no means depreciates the merit of electrolysis and standard cells as very convenient means for standardising current and electromotive force in practice, yet for a legal definition it considers that the mercury standard of resistance, and unit intensity of current as derived from the dynamical method will be sufficient.

Other practical units than those given above were considered by the committee, but it did not find any necessity for adopting such unit at present.

As regards the standard for light; although it is very desirable to have some well-defined one, the committee is of opinion that the platinum-standard proposed by the French Government is not suitable for practical use and also that there are serious objections to every other kind of standards hitherto employed or proposed owing to its not being constant in intensity and not having the same colour as most lights; it is therefore impossible at the present time to give a satisfactory definition of a practical standard of light.

Such system of electrical units as proposed by the present committee will have no doubt been thought of already by many, but doubt as to the practicability of its international adoption will have caused hesitation in bringing it forward. The present committee considers that notwithstanding long accustomed usage, the electrical units now in use must give place sooner or later to a better system which will help the progress of electrical science and its applications in the future.

The committee hereby express its earnest desire that the government may take the measures best calculated to make the proposed system international.

Yamagawa Kenjiro, *Rigakuhakushi*, Professor of Physics in the Science College of the Imperial University.

Tanakadate Aikitsu, *Rigakuhakushi*, Professor of Physics in the Science College of the Imperial University.

Nakano Hatsune, Professor of Electrical Engineering in the Engineering College of the Imperial University.

Yamakawa Gitaro, Assistant Professor of Electrical Engineering in the Engineering College of the Imperial University.

Oi Saitaro, Telegraph Engineer to the Ministry of Communications.

Igarashi Hidesuke, Local Superintendent Engineer to the Imperial Government Telegraphs.

Sawai Kiyoshi, Engineer to the Imperial Government Telephone Exchange.

Fujioka Ichisuke, *Kogakuhakushi.*

Ushioda Dengoro.

Enclosure No. 5 with Mr. Dun's No. 169.

(Translation-copy)

Tokyo, August 23rd, 1894. 3(?)

His Excellency,

Mutsu Munemitsu

Minister for Foreign Affairs.

S i r :

We have the honor to inform you in reply to your dispatch relative to the communications of the Governments of France and the United States with regard to the Units of Electrical Quantities and Light, that in compliance with the terms of your dispatch we have upon consultation appointed a committee on the practical units of electrical quantities and light, which committee has given the questions relating to this subject special consideration.

The electrical units proposed by the two above named governments are either the units established by correcting the errors of the units widely used heretofore, or, those established by taking these units as a basis, and with the view of making their use universal, giving them proper names and definitions. These units, however, not only lack uniformity, but there are various other inconveniences which are due to the reason that they came into use at a time when electricity was only used in electric telegraphy, and no consideration was given to the applications of electricity which at present have become so extensive, such as electric lighting, electric cars etc.

Again, much inconvenience arises from the use of the

the ohm such as determined in the communication from the French Government as it is entirely based upon the specific properties of matter . It is furthermore felt that at the present, science is not in a condition to determine a standard of measurement for the intensity of light.

Being sensible of the several advantages of the amended proposal of the above committee and in view of the present condition of electrical science and electrical engineering and also in the light of the future, we venture to hope, as the several governments are desirous of establishing a system of international units, that upon consideration of the amended proposal annexed, consent will, as far as possible, be given to the same.

A copy of the report of the investigation committee together with an English translation of the same is herewith

We have etc.

(signed) Inoue Ki,

Minister for Education.

(signed) Count Kuroda Kyotaka,

Minister for Communications

the ohm such as determined in the communication from the French Government as it is entirely based upon the specif ic properties of matter . It is furthermore felt that at the present, science is not in a condition to determine a standard of measurement for the intensity of light.

Being sensible of the several advantages of the amended proposal of the above committee and in view of the present condition of electrical science and electrical engineering and also in the light of the future, we venture to hope, as the several governments are desirous of establishing a system of international units, that upon consideration of the amended proposal annexed, consent will, as far as possible, be given to the same.

A copy of the report of the investigation committee together with an English translation of the same is herewith We have etc.

(signed) Inoue Ki,
Minister for Education.

(signed) Count Kuroda Kyotaka,
Minister for Communications

To Their Excellencies

The Ministers for Communications and Education

S i r s :

Investigation having been made by the Committee appointed on the practical units of electrical quantities and light, I have the honor to inform Your Excellencies of the conclusions of the Committee as shown in thr report herewith.

I have etc.

(signed) Nakano Hatsune,

Professor of Electrical Engineering in the Engineering College of the Imperial University, President of the Committee.

No. 170. Free

DIPLOMATIC BUREAU
OCT 11 1894

DEPARTMENT OF STATE.
OCT 11 1894
RECEIVED.

Legation of the United States,
Tokyo, Japan, September 20, 1894.

Mr. Dun
to the Secretary of State.

Subject:
Readings of telegrams.

No. 170

Legation of the United States,
Tokyo, Japan, Sept. 20, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to enclose herewith the readings of a telegraphic instruction of the
1/ Acting Secretary of State dated Washington, September 10, 1894, relative to the appointment of Lieutenant O'Brien as Military Attaché; and of my telegraphic despatches, one
2/ of September 12th, relative to Scotto
3/ Emulsion; another of September 18th relative

relation to the battle at Phyong Yang, between Japanese and Chinese forces.

I have the honor to be,

Sir,

Your obedient servant.

Edwin Dun

Enclosures:

1. Acting Secretary of State to Mr. Dun. Sept. 13, 1894.

2. Mr. Dun to Secretary of State, Sept. 12, '94

3. " " " " " 18, '94

Enclosure / with Mr. Dun's No. 170.

Reading of a telegraphic instruction from the Acting Secretary of State, received in Tokyo September 15, 1894.

"Washington, September 13, 1894.

"Dun, Minister, Tokio.

"Lieutenant O'Brien appointed Military Attaché.

"Uhl, Act'g."

Enclosure with Mr. Dun's No. 17.

Reading of a cipher telegram transmitted to the Secretary of State, September 12, 1894.

"Tokio, September 12, 1894.

"September twelvth, Gresham, Washington.

"Can settle the question of the taxation Scott's "Emulsion on the following terms: Printed directions "on the bottles bringing preparation within the "purview of the Japanese stamp law are to be removed. "Japanese Goverment will thereupon permit sale of the preparation free from tax as a food product, upon the "understanding that if preparation is again brought "within purview of the revenue laws, the right of taxation revives. Foregoing arrangement satisfactory to "the agent of Scott's Emulsion."

"Dun."

Enclosure 2 with Mr. Dun's No. 174.

Reading of a telegraphic despatch(cipher) transmitted to the Secretary of State September 18, 1894.

"Tokio, September 18, 1894.

"September eighteenth, Gresham, Washington.

"The following telegram has been received "from the United states Minister at Seoul:

"Please cable Department Chinese army totally annihilated "at Phyong Yang by Japanese, [redacted] eenth September.

"Dun."

COPIED. FOREIGN RELATONS.

3RD ASSISTANT SECRETARY.
OCT 19 1894

ans Oct

No. 171

Legation of the United States,
Tokyo, Japan, September 20, 1894.

DEPARTMENT OF STATE.
OCT 11 1894
RECEIVED.

Ans Oct. 20/94

Mr. Dun

to the Secretary of State.

Subject:

Correspondence relative to request on the part of China that Japan respect her light house tenders during the present war.

No. 171.

Legation of the United States,
Tokyo, Japan, Sept. 20, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to enclose herewith copy of a letter dated Peking August 29, 1894, from Mr. Charles Denby, Jr., United States Chargé d'Affaires, a. i., at Peking, relative to the refusal of the Japanese Government to exempt from molestation Chinese cruisers employed as light house tenders

and

and requesting me to present to the Japanese Government the earnest recommendation of the United States Legation at Peking that the customs cruisers "Ping Ching" of Shanghai, "Listin" of Hong Kong, be granted certificates which would exempt them from molestation by Japanese vessels of war.

Without authority from the Department to do so, I do not feel at liberty to comply with Mr. Denby's request and, therefore, shall not make any representation to H. I. J. M's. Government

in

in regard to this matter unless I am instructed by you to do so. Up to this time I have not hesitated to communicate to the Japanese Government such representations as the Chinese Government has seen fit to make to Japan through our Legations at Peking and Tokyo in the belief that the United States as a power friendly to both countries could, with perfect propriety permit her Legations to be used as a channel of communication between two belligerents for all proper purposes. In the present

case

case, however, the representation is not from the Chinese Government, but from the United States Legation at Peking, and as that Legation is in no way accredited to Japan, I could not submit its recommendations without adopting them as my own, and in my opinion it would be manifestly improper for me, without instructions from the Department to in any way criticise, or make representations in regard to, the manner in which Japan conducts her military

or

a naval operations in a foreign country with which she is at war.

In this connection I have the honor to inform you that on August 18th, 1894, I

2/ received a telegram, reading as inclosed herewith, from Mr. Denby to the effect that the Inspector General of the Chinese Customs requested that the Japanese Government would instruct the Japanese fleet not to interfere with Chinese lighthouse tenders. On the 18th of August, I transmitted copy of this telegram to H. I. J. M's. Minister for Foreign Affairs

(see

(see copy of my note of that date enclosed herewith); omitting the last seven words of the telegram, i.e. "approve in interest of neutral commerce, answer." On the 20th of August I received from the Minister for Foreign Affairs a note, copy enclosed herewith, to the effect that Japan declined to accede to the request of the Commissioner of Customs.

On the 24th of august I telegraphed to Mr. Denby, reading of telegram enclosed herewith, that the Japanese Government declined.

I have the honor to be,

Sir,

Your

No. 171 III

Your obedient servant,

Edwin Dun

Enclosures:

1. Mr. Denby to Mr. Dun. Aug. 29, 94. - copy.

2. Tel. " " " " " " 17. '94.

3. Mr. Dun to Min. for Foreign affairs. " 18. '94. copy.

4 Min. for Foreign Affairs to Mr. Dun. Aug. 23, '94 Copy.

5. Tel. Mr. Dun to Mr. Denby. Aug. 24, '94.

Enclosure 1 with Mr. Dun's No. 171.

Copy.

Mis. No. 51. 1894.

Legation of the United States,

Peking, August, 29, 1894.

Edwin Dun Esq.

Envoy Extraordinary and Minister Plenipotentiary of the United States, Tokio.

Sir:-

I had the honor to receive on the 24th instant, your telegram of the same date, announcing that the Japanese Government declines to grant exemption from molestation to the customs cruisers employed as light-house tenders. This decision which has been communicated to Sir Robert Hart, Inspector General of Customs, has caused this Legation much regret. It is to be hoped that it is not final.

It cannot be unknown to the Government of Japan that the light-house system of China has been built up by the patient perseverance of Sir Robert Hart, during many years, and at enormous expense. The lighting of this dangerous coast is of the greatest importance to commercial interests generally, and chiefly to neutral commercial interests. The light-houses now in existence have been of inestimable value in securing the safety of life and property afloat under all flags.

For the maintainance of existing lights, and the completion of three now under construction, the customs cruisers will be compelled to continue their work, with or without the protection of Japan. Trouble and anxiety would, however, be

saved

saved and greater efficiency secured were they free from fear of interference. I beg you, if it meets with your approval, to renew to the Japanese Government the earnest recommendation of this Legation that the customs cruisers "Pingching" of Shanghai, and "Likin" of Hongkong (the "Feihoo" is withdrawn) be granted certificates which will secure them in the unmolested performance of their duty.

It is unnecessary to dwell on the disasters that might result to vessels of friendly powers from a derangement of the light-house system of China, nor on the opprobium that would attach to the voluntary author of such derangement.

Should the decision of Japan be reversed, I request a telegraphic reply.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Charge'd'Affaires ad interim.

Enclosure 2 with Mr. Dun's No. 171 .

Reading of a cipher telegram from the Charge d'Affaires at Peking received i n Tokio August 18th, 1894.

"Peking, August 17, 1894.

"American Minister, Tokio.

"Inspector General Chinese Customs requesting that "Japanese Government to instruct Japanese fleet not interfere "with lighthouse tenders, 'Ping Ching' of Shanghai,'Fesso' of "Chefoo, 'Likin' of Hongkong. Approve in interest of neutral "commerce. Answer.

"Denby."

Enclosure 3 with Mr. Dun's No. 171 .

Copy.

No. 64. Legation of the United states,

Tokyo, August 18th, 1894.

His Excellency

Mutsu Munemitsu,

His Imperial Japanese Majesty's Minister for Foreign Affairs.

Sir:

I hasten to enclose herewithto Your Excellency copy of a telegram received late last evening from the United States Charge d'Affaires at Peking.

I avail myself of this occasion to renew to Your Excellency the assurances of ny highest consideration.

(Signed) Edwin Dun.

Enclosure:

Telegram fom the Charge d'Affaires at Peking.

Enclosure 4 with Mr. Dun's No. 171.

Copy.

Translation.

No. 34. Department of Foreign Affairs,
Tokio, the 23rd day, the 8th month,
the 27th year of Meiji.

His Excellency
Edwin Dun,
E. E. and M. P. of the United States of America.

Sir:

I have the honor to acknowledge the receipt of Your Excellency's note of the 18th instant, communicating the copy of a telegram from the United States Charge d'Affaires at Peking.

While the Imperial Governemnt are disposed to do every thing in their power to protect neutral commerce, they do not think they can be reasonably expected in the direction indicated, to relax to any extent their belligerent rights, since it would be impossible for them to secure any satisfactory guarantee that the vessels in question might not be employed in conveying contraband of war. Besides, by having resorted to the expedient of extinguishing established lights along her coast, China has clearly deprived herself of the right, even if her motives were wholly disinterested, to ask Japan's indulgence in the matter of Chinese lighthouse tenders

I beg, therefore, to ask Your Excellency to have the

kindness

kindness to inform Mr. Denby that the Imperial Government cannot grant the request preferred through the Inspector General of the Chinese Customs.

I avail myself of this occasion to renew to Your Excelleny the assurances of my highest consideration.

(Signed) Mutsu Munemitsu,

Minister for Foreign Affairs.

Enclosure 5 with Mr. Dun's No. 171.

Reading of a cipher telegram to the United States Charge d'Affaires at Peking:

"Tokio, Augu st 24, 1894.

"American Minister, Peking.

"Japanese Government declines to grant request "Inspector General relative to lighthouse tenders.

"Dun."

3RD ASSISTANT SECRETARY.
OCT 12 1894

COPIED. FOREIGN RELATONS.

No. 172

Legation of the United States,
Tokyo, Japan, September 20, 1894.

DEPARTMENT OF STATE.
OCT 11 1894
RECEIVED.

Mr. Dun
to the Secretary of State.

Subject:
Military and Naval Engagements between Chinese and Japanese Forces.

No. 172.

Legation of the United States,
Tokyo, Japan, September 20, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D.C.

Sir

On the evening of the 16th instant a telegram was received by the Military Authorities at Tokyo, from General Nozu, commanding the Japanese forces near Phyong Yang, Korea, that that place was captured by the Japanese early that morning, after any-

very severe fighting. Later particulars of the engagement report that Phojong Yang having been surrounded by the Japanese, was, on the morning of the 15th instant, attacked from all sides; the fighting continued during that day and night and, finally, on the morning of the 16th, was taken by assault.

The latest accounts give the number of Japanese killed at:

Officers 8.

Non Commissioned officers & men 154.

Total Killed 162.-

Wounded. Officers 26

Non Commissioned officers & men 381

Wounded Total 407

missing

No. 172. II

Missing ..... 40.

Total casualties 609.

On the Chinese side the loss reported is much greater. The number killed is placed at 2000; the number wounded at 4,000.

The Japanese force engaged in the attack is said to have numbered about 20,000 men, according to most reliable reports and Pheyong Yang was defended by about the same number of Chinese. General Nozu reports that a considerable number of Chinese escaped through the Japanese lines,

but

but that by far the greater part of the Chinese army were killed, wounded or taken.

I am informed by the Japanese authorities that there is now no Chinese force in Korea capable of resistance, but it is believed that there is a formidable Chinese army on the north (west) bank of the Yalu river, in Chinese territory. It is supposed that that place will now be the objective point of the Japanese army in the immediate future.

Cu

On the 18th instant I received a telegram from Mr. Sill, United States Minister at Seoul, sent over the Japanese military telegraph lines by Mr. Otori, Japanese Minister to Korea, to the effect that the Chinese army had been totally annihilated at Phyong-Yang on the 16th instant, and requesting me to telegraph the information to the Department of State, which I had the honor to do on the same day that the message was received.

This morning I received,

in

in the same manner, another telegraphic message from Mr. Sill requesting me to inform the Department by telegraph that the Japanese fleet had destroyed eleven out of seventeen Chinese war vessels, at the mouth of the Yalu river, on the 16th instant, and that the Japanese fleet was unharmed. At the same time I received from Mr. Hayashi, Vice Minister for Foreign affairs, the reading of a telegram received by the Minister for Foreign affairs, from Korea, which reads

reads:

"Japanese fleet met eleven Chinese
"men-of-war and six torpedo
"boats 35 miles to the north
"east of Kai-Yang-Tao, on the
"16th instant, at 1 P.M. Four
"Chinese men-of-war sunk;
"one burnt by Chinese them-
"selves. No damage to Japanese
"fleet."

The message quoted above partly confirms Mr. Sill's telegram, although, at this time, I am unable to locate the place Kai-Yang-Tao, named in the telegram to the Minister for Foreign Affairs

I.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

File

No. 173.

Legation of the United States,
Tokyo, Japan, September 20, 1894.

DEPARTMENT OF STATE
OCT 11 1894
RECEIVED.

OCT 11 1894

Mr. Dun
to the Secretary of State.

Subject:
Reading of telegraphic despatch.

No. 173.

Legation of the United States,
Tokyo, Japan Sept. 20, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to enclose herewith the reading of my cipher telegram to you, dated Tokyo, September 20, 1894, on the reported naval victory of Japan, off the mouth of the Yalu river.

I have the honor to be,
Sir,
Your obedient servant.
Edwin Dun

Enc. as above.

Enclosure with Mr. Dun's No. 173.

Reading of a cipher telegram to the Secretary of State.

"Tokio, September 20, 1894.

"September twentieth, Gresham, Washington.

"The following telegram has been received:Please
"Cable the Department of State Japanese fleet destroyed eleven
"out of seventeen Chinese war vessels at the mouth Yalu
"river sixteenth instant. Japanese fleet unharmed. Sill.
"Japanese Government has received a telegram saying five
"Chinese war vessels destroyed

"Dun."

CRANE'S

Confirm
Sept 21

SEP 21 1894

TELEGRAM RECEIVED. in Cipher.

From Tokio

Dept 20, 1894.

Received 9.15 A.M. 21st

Gresham
Washington

The following telegram has been received:
Mail Cable. The Department of State
Japanese fleet destroyed eleven
out of Seventeen Chinese war vessels
at the mouth Yalu river Sixteenth
instant. Japanese fleet, unharmed.
Dill
Japanese Government has received
a telegram saying five Chinese
war vessels destroyed.
Dun

ciphered & Opened
9.50 A.M.
RK

DIPLOMATIC BUREAU

SEP 28 1894

Secretary of State

1894

3RD ASSISTANT SECRETARY.

Ark - File

SEP 28 1894

TELEGRAM RECEIVED.

From Tokio.

Sept 27, 1894.

Received 9.46 P.M.

Confirmed 29. Sept. 9 a m

Gresham

Washington.

The following telegram has been received from Dill Korea: Government paid one Equivalent to Nineteen hundred Seventy two (1972) Dollars in gold.

Dun.

COPIED. FOREIGN RELATONS.

Made

No. 174.

Legation of the United States,
Tokyo, Japan, September 28, 1894.

DEPARTMENT OF STATE
OCT 27 1894
RECEIVED.

DIPLOMATIC BUREAU
OCT 30 1894

Mr. Dun
to the Secretary of State.

Inclosure No. 3

Subject:

American citizens to obtain passport facilities similar to those granted British subjects by Protocol annexed to recent Anglo-Japanese Treaty.

No. 174.

Legation of the United States,
Tokyo, Japan, September 2[illegible], 1894.

Honorable W. Q. Gresham,
Secretary of State
Washington, D. C.

Sir:-

In consequence of a verbal understanding between H. I. J. M's Minister for Foreign Affairs and myself arrived at in an interview on the 6th instant, on the following day I addressed to him a note, copy of which I have the honor to enclose herewith, suggesting to His Excellency that, pending any future arrangement that

may

may be entered into between the United States and Japan; and in view of Clause 2 of the Protocol annexed to the recent Treaty concluded between Japan and Great Britain granting to British subjects certain extensions of the present passport system, similar facilities be granted to American citizens as a privilege; the Japanese Government to continue the same reservations that exist in the present system. On the 24th instant I received from Viscount Motono a reply, copy enclosed herewith, of the same date, to my 2/

No. 174. VII.

to my note to him, informing me that his Government consents to extend to American citizens, in the terms of my suggestion, and subject to existing rules and regulations governing citizens of the United States who visit the interior of Japan, passport facilities similar to those which have been granted British subjects.

3/ Today I have received a note from H. E. J. His Minister for Foreign Affairs informing me that the new system would go into effect on the 20th of October next.

I have the honor to enclose herewith copy of my note to

Viscount

Viscount Muton acknowledging the receipt of his communications to me and thanking him for the liberal spirit displayed by his government in granting this favor.

This arrangement will relieve Americans of much inconvenience and annoyance in visiting the interior of Japan.

I trust my action in this matter will meet with your approval.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosures:

1. Mr. Dun to Viscount Muton, Sept 7. Copy

2. Viscount Mutsu to Mr. Dun. Sept 24. Copy.

3. " " " 27. "

4. Mr. Dun to Viscount Mutsu, Sept 28. Copy.

Enclosure 1 with Mr. Dun's No. 74

Copy.

No. 68. Legation of the United States,
Tokio, September 7, 1894.

His Excellency,

Viscount Mutsu Munemitsu,

His Imperial Japanese Majesty's Minister
for Foreign Affairs.

Sir:-

Referring to clause 2 of the Protocol annexed to the recent Treaty concluded between Japan and Great Britain, granting to British subjects, pending the opening of Japan to their trade, travel and residence, certain extensions of the present pass port system, I have the honor to suggest to Your Excellency that pending any future arrangement that may be entered into between the Governments of the United States and Japan, similar facilities be granted to American citizens as a privilege, Your Excellency's Government continuing the same reservations that exist in the present system.

Such liberal action on the part of Your Excellency's Government would, I am confident, be gratifying to my Government and be highly appreciated as a favor by American residing in and visiting Japan.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed) Edwin Dun.

Enclosure 2 with Mr. Dun's No. 174.

Copy.

Translation.

No. 86. Department of Foreign Affairs,
Tokio, the 24th day the 9th month,
the 27th year of Meiji.
(September 24, 1894.)

His Excellency
Edwin Dun,
Envoy Extraordinary and Minister Plenipotentiary
of the United States of America.

Sir:

I have the honor to acknowledge the receipt of Your Excellency's note of the 7th inst. suggesting an extension of the existing passport facilities in favor of American citizens.

The enlargement of the system in favor of British subjects formed an important part of the Treaty recently concluded with Great Britain. The concession was yielded by the Imperial Government in consideration of the other stipulations contained in the same compact and it is therefore, in the judgment of the Imperial Government, necessarily excluded from the operation of the so called most favored nation clauses of Japan's more ancient conventional engagements.

The language employed by Your Excellency in seeking for your countrymen participation in the enlarged passport facilities granted to British subjects relieves the

Imperial

Imperial Government of all apprehensions that their compliance with Your Excellency's suggestion could be regarded otherwise than as a spontaneous concession wholly independent of any treaty obligation, while the actual pendency of the negociations for the revision of the treaties subsisting between our two Governments encourages the expectation that the question of passports may shortly be made the subject of conventional arrangement so far as Your Excellency's countrymen are concerned.

Accordingly I am happy to be able to acquaint Your Excellency that the Imperial Government consents to extend to American citizens, in the terms of Your Excellency's suggestion and subject to the existing rules and regulations governing citizens of the United States who visit the interior of the Empire, passport facilities similar to those which have been granted to British subjects.

The Imperial Government would wish it understood that this concession in no wise impairs the right which is at present reserved to them of cancelling, limiting, or suspending the passport system either generally or in indivedual cases, should they deem such action necessary.

The new system in respect of British subjects came into force onthe 20th instant, but further arrangements being required to extend the system in favor of Your Excellency's countrymen, I will acquaint You Excellency with the date of the operation of the same in respect of

your

your countrymen as soon as such arrangements shall have been completed which will be in the near future.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed.) Viscount Mutsu Munemitsu,

Minister for Foreign Affairs.

Enclosure 3 with Mr. Dun's No. 174.

Copy.

Translation.

No. 100. Department of Foreign Affairs,

Tokio, the 27th day, the 9th month,

the 27th year of Meiji.

His Excellency

Edwin Dun,

Envoy Extraordinar and Minister Plenipotentiary

of the United States of America.

Sir:

With reference to my note of the 24th instant acquainting Your Excellency that the Imperial Government consent to extend to the United States citizens passport facilities similar to those which have been granted to British subjects under the Treaty recently concluded between Japan and Great Britain and that the date of the operation of such passport system will be communicated to you later on, I have the honor to inform you that the system shall be put in operation from the 20th October next.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed.) Viscount Mutsu Munemitsu,

Minister for Foreign Affairs.

Enclosure 4 with Mr. Dun's No 174

Copy.

No. 71. Legation of the United States

Tokio, September 28, 1894.

His Excellency,

Viscount Mutsu Munemitsu,

His Imperial Japanese Majesty's Minister

for Foreign Affairs.

Sir:-

I have the honor to acknowledge the receipt of Your Excellency's two Notes of date the 24th and 27th instants respectively; the first informing me that the Imperial Government consent to extend, with certain reservations specified, to the citizens of the United States passport facilities similar to those granted to British subjects under the Treaty recently concluded between Japan and Great Britain; the second informing me that such passport system pertaining to American citizens would be put into operation from the 20th of October next.

I beg to express to Your Excellency my high appreciation of and thanks for the courteous and liberal action of Your Excellency's Government in this matter, and the confident belief that the Governmnet of the United States will be much gratified to learn of this spontaneous act on the part of the Imperial Government evidencing, as it does, the friendly desire on the part of Japan to meet the wishes of the American Government

and

and people in a spirit of enlightened liberality.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed.) Edwin Dun.

3RD ASSISTANT SECRETARY.
OCT 30 1894
No. 175

COPIED. FOREIGN RELATONS.
OCT 30 1894

DEPARTMENT OF STATE
OCT 27 1894
RECEIVED.

Legation of the United States,
Tokyo, Japan, September 29, 1894.

Mr. Dun
to the Secretary of State.

Subject:
Account of the naval engagement
at the mouth of the Yalu River.

No. 175.

Legation of the United States,
Tokyo, Japan, September 29, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

Referring to my No. 172, of date the 20th instant, I have the honor to enclose herewith a translation of the official account of the naval battle, fought on the 17th instant off the mouth of the Yalu river, rendered by Vice Admiral Ito in command of Japanese squadron at that engagement.

The translation is clipped from the

the "Japan Mail" of September 24th, 1894.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure:

Clipping from "Japan Mail," Sept 24.

Enclosure with Mr. Dun's No. 175

No. 175

The Japan Daily Mail.

YOKOHAMA, MONDAY, SEPTEMBER 24, 1894.

Vice-Admiral Ito, who commanded in the naval engagement on the 17th instant, has sent in the following report, which appears in the *Official Gazette*:—

Acting in concert with the land force, I reached Chemulpo Bay on the 12th instant, and on the 14th, leaving the Second Flying Squadron and the *Yayeyama Kan* in that Bay, I set out with the rest of the ships and made the mouth of the Ta-dong river on the 15th. The Third Flying Squadron, accompanied by the sloops *Banjo Kan* and *Amaki Kan* and torpedo boats, pushed up the river as far as Chyor Island and aided the military operations. On the 16th instant, the Principal Squadron, together with the First Flying Squadron, namely, the *Akagi Kan* and the *Saikyo Maru*, making in all 12 vessels, set out from the Ta-dong river, under my command, and passing Haiyang Island at dawn on the 17th instant reached the bay of Taku-shan harbour in Manchuria. There we found fourteen of the enemy's war-ships and six torpedo-boats. A fierce engagement ensued, lasting from 12.45 p.m. until past 5 in the evening. We sank or destroyed four of the enemy's ships, the *Lai yuen*, the *Yang wei*, the *Chao yung*, and either the *Chin-yuen* or the *Chih-yuen*, and many of the others were seriously damaged by our fire. The *Ting yuen* and *King yuen* took fire, and great confusion was observed on board. Towards dusk, observing that the enemy's fleet was retiring in the direction of the Gulf of Pechili, we took a direction calculated to intercept them, but being obliged to keep at a considerable distance during the night owing to the enemy's being provided with torpedo boats, we lost sight of them. Expecting, however, that we should be able to pick them up at daylight, we held on to Hope Sound, but failed to see anything of the enemy. It being therefore uncertain whether he might not have returned to his original position, we steamed back to the scene of the preceding day's fight, and observed the smoke of two or three vessels a long way off but could not discover whither they were making. Having therefore taken steps to break up the *Yang-wei*, which, being on fire, had been run ashore by the enemy, we returned here (mouth of the Ta-dong river). The *Saikyo Maru*, with the Commander-in-Chief (Admiral Viscount Kabayama) on board was frequently in imminent peril, but happily made her escape and returned hither before the rest of the Squadron. We lost none of our ships, but of course received some injury. The *Matsushima Kan* was the most severely handled, but is in no way incapacitated for duty. Our losses are 10 officers and 69 men killed, and 160 officers and men wounded. The heaviest casualties were in the *Matsushima Kan*, the *Akagi Kan*, and the *Hiyei Kan*. In this fight the *Hiyei Kan* and the *Akagi Kan* were most hotly engaged. The *Hiyei*, after a gallant fight, left the Squadron temporarily, returned here, and having placed her wounded on board a transport, set out, I understand, in company with the *Kaimon Kan* to rejoin my command.

The above report confirms the telegrams originally sent from Shanghai as to the scene of the action. It proves also that the Japanese Squadron had no expectation of meeting the Chinese. Admiral Viscount Kabayama would never have been cruising in the *Saikyo Maru* had there been any suspicion that the Peiyang Fleet would have been encountered. We may note *en passant* that whereas some reports speak of 11 Japanese ships, others mention 12. The explanation of this discrepancy is that the *Saikyo Maru* is included in the latter total, whereas, for fighting purposes, she counts for virtually nothing.

The *Matsushima Kan* must have had an exceedingly hot time in the action of the 17th instant. She had no less than 110 of her crew put *hors de combat*. Yet she fought on to the bitter end. The total casualties in the Squadron were 239. Hence the *Matsushima* suffered nearly as much as all the rest put together. It would be very interesting to know exactly how that occurred. According to what we have learned, a shell from one of the enemy's big guns struck the second gun on the starboard side of the vessel. The *Matsushima* has six guns mounted forwards, three on each side. Thus, when in action, a great number of her crew are collected in one part of the ship, and it appears that the blow which temporarily disabled No. 2 starboard gun caused great carnage among the men. The ship herself, however, can not have suffered much. She proceeded to Sasebo on the 18th and was able to put to sea again on the following day.

The *Hiyei Kan* also, though her loss of men was very heavy, did not suffer to any serious extent. She too is at sea now with the squadron, What she chiefly wanted after the battle was a new crew.

The remaining ships do not seem to have been struck at all. We speak of the ships themselves, for, of course, some shots must have found their way among the men. Certainly not one of the vessels suffered sufficiently to be obliged to temporarily leave her place in the Squadron. Out of 11 men-of-war only two were hurt so much as to need repairs that could not be executed on board, and those two seem to have been able to put to sea again within three days. (We do not, of course, reckon the *Saikyo Maru*, which is not a man-of-war and ought not to have been in the fight at all.) Yet the battle lasted 5 hours; the enemy's war-ships numbered 14 with torpedo-boats, and four of his ships were sunk. Evidently the torpedo-boats were a total failure. They did not succeed in hitting even the *Saikyo Maru* as she lay rudderless and temporarily helpless.

The names of the Japanese ships engaged have now been published. They are as follow:—

		Tons.
Matsushima Kan.	Steel Coast-defence vessel.	4,278
Itsukushima Kan.	Steel Coast-defence vessel.	4,278
Hashidate Kan.	Steel Coast-defence vessel.	4,278
Yoshino Kan.	Steel Cruiser.	4,216
Takachiho Kan.	Steel Cruiser.	3,709
Akitsushima Kan.	Steel Cruiser.	3,150
Naniwa Kan.	Steel Cruiser.	3,709
Chiyoda Kan.	Steel Cruiser.	2,439
Fuso Kan.	Iron Armour-clad Corvette.	3,777
Hiyei Kan.	Composite Armour-belted Corvette.	2,284
Akagi Kan.	Steel Gun-boat.	622

These 11 vessels have an aggregate displacement of 26,740 tons. It has been alleged that Admiral Ito had the whole of the Japanese fleet under his flag in this fight. The statement is very misleading. He himself says that he had the Principal Division and the first Flying Squadron only. To show how much stronger he might have been, and certainly would have been had he anticipated meeting the redoubtable Peiyang Squadron, we may set down some of the ships which, though in Korean waters and under his command, were not with him in the battle:—

		Tons.
Takao Kan.	Steel and Iron Cruiser.	1,778
Tsukushi Kan.	Steel cruiser.	1,372
Musashi Kan.	Composite Sloop.	1,502
Yayeyama Kan.	Steel Despatch Vessel.	1,609
Atago Kan.	Steel and Iron Gun-boat.	622
Yamato Kan.	Composite Sloop.	1,502
Maya Kan.	Iron Gun boat.	622
Katsuragi Kan.	Composite Sloop.	1,502
Chokai Kan.	Iron Gun-boat.	622
Oshima Kan.	Steel Gun-boat.	640

But though these vessels were absent, the Admiral was certainly in command of a powerful and well consorted Squadron. With regard to the 14 Chinese men-of-war, some of the names are not yet accurately identified. Of nine, however, we can be certain. They are :—

		Tons.
Ting-yuen	Ironclad	7,400
Chen yuen	Ironclad	7,400
Chih yuen	Protected Cruiser	2,300
Ching-yuen	Protected Cruiser	2,300
King yuen	Belted Cruiser	2,800
Lai yuen	Belted Cruiser	2,800
Chao-yung	Protected Cruiser	1,350
Yang-wei	Protected Cruiser	1,350
Fing-yuen	Cruiser	2,800

These 9 ships represent an aggregate tonnage of 30,500 tons. Hence we may fairly conclude that the 14 vessels engaged were superior to the 11 Japanese, without including the 6 torpedo-boats. The armament, too, of the Chinese vessels, was very powerful. The iron-clads carried 30.5-centimetre Krupp guns firing projectiles that weigh 725 lbs., and 15 cent. Krupps. The *Chih-yuen*, *Ching-yuen*, *King-yuen*, and *Lai-yuen* carried 21 cent. and 15 cent. Krupps, and the *Chao-yuen* and *Yang-wei* had 25-ton Armstrongs. The loss of four powerful cruisers, aggregating 7,800 tons, is a terrible blow to the Peiyang Squadron.

The losses on board the Japanese ships are now published in detail. They are :—

KILLED.

One Commander.
Four Lieutenants.
One Midshipman.
One Surgeon-Major.
One Surgeon.
One Chief Paymaster.
Sixty nine Warrant Officers and Seamen.

WOUNDED.

One hundred and sixty of all ranks.

Thus the total casualties amounted to 238 of all ranks.

His Majesty the Emperor has despatched to the Army and Navy, respectively, at the seat of war, Lieut.-Colonel Nakamura Kaku and Commander Saito Minoru, in the capacity of *Imonshi*, an expression for which we know no English equivalent, but which means "delegates to convey compliments and make inquiries."

Her Majesty the Empress has caused to be conveyed to the Emperor a message of hearty congratulation on the victory achieved by the Fleet on the 17th instant.

The *Official Gazette* publishes the following return of deaths among the troops in Korea from the 16th of July to the 5th of September :—

Major of Infantry died of sickness	1
Privates Infantry died of sickness	2

KILLED IN FIGHTING AT SŌUL.

Private of Infantry	1

KILLED IN THE BATTLE AT SŌNG-HWAN.

Captain of Infantry	1
Lieutenant of Infantry	1
Surgeons of Infantry	2
Privates of Infantry	28

DIED SUBSEQUENTLY OF WOUNDS.

Privates of Infantry	7

DIED OF SICKNESS.

Privates of Infantry	28

This record shows that the total number of deaths in action, or subsequently from wounds received in action, up to September 5th was 40. Every name is given, and as we do not imagine that the *Official Gazette* will be accused of lying, it becomes interesting to know what becomes of all the encounters said to have occurred between the Chinese and the column that marched from Sōul against Pyŏng-yang, during the first half of August—encounters in every one of which the Japanese were reported to have been worsted with an aggregate loss of, at least 5,000 killed. The local English newspaper that pretends still to place faith in those exploded canards had better reflect a little, and the *North China Daily News* had better procure for itself another correspondent in Korea, since its present representative stands proved as either the most inventive or the least discriminating writer that ever had access to the columns of a newspaper.

File

No. 176.

OCT 27 1894

DEPARTMENT OF STATE
OCT. 27 1894
RECEIVED.

Legation of the United States,
Tokyo, Japan, September 29, 1894.

Mr. Dun

to the Secretary of State.

Subject:

Reading of telegrams.

File

No. 176.

OCT 27 1894

DEPARTMENT OF STATE
OCT. 27 1894
RECEIVED.

Legation of the United States,
Tokyo, Japan, September 29, 1894.

Mr. Dun

to the Secretary of State.

Subject:

Reading of telegrams.

No. 176

Legation of the United States,
Tokyo, Japan. September 29th, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to enclose herewith the readings of your telegraphic instructions to me dated 1/ respectively September 21st and 2/ September 27th, 1894, and my telegraphic 3/ despatch to you dated September 27th, 1894.

Your two telegrams were forwarded on the date of their receipt to Mr. Sill at Seoul over the Japanese military

military telegraph line. This was done through the courtesy of the Japanese Department for Foreign Affairs.

I have the honor to be,
Sir,
Your obedient servant,
Edwin Dun

Enclosures

1. Tel. Secretary of State to Mr. Dun. Sept 21
2. " " " " " " " " 27.
3. " Mr. Dun to the Secretary of State " 27.

Enclosure 2 with Mr. Dun's No. 174.

Reading of a telegram from the Secretary of State received in Tokio September 29th, 1894.

"Washington, September 27, 1894.

"Sep. 27. Dun, Minister, Tokio.

"Telegraph following Sill: Remit here "amount you hold for Korean Legation.

"Gresham."

Enclosure 1 with Mr. Dun's No. 176.

Readin of a cipher telegram from the Secretary of State received in Tokyo September23, 1894:

"Washington, September 21, 1894.

"Dun, Minister, Tokio.

"Forward the following by
"telegraph sill: Korea Legation here in distress.
"Without money or credit. Owes fifteen hundred dollars.
"Payment pressed. If King gives you momey like amount
"will be advanced Telegraph promtly.

"Gresham, September 21.

Enclosure 3 with Mr. Dun's No. 176 .

"Reading of a cipher telegram transmitted to the Secretary of State, September 27, 1894.

"Tokio, September 27, 1894.

"September 27, Gresham, Washington.

"The following telegram has been received "from Sill: Korea Government paid me equivalent to "nineteen hundred seventy - two(1972) dollars in gold.

"Dun."

File

DIPLOMATIC BUREAU
OCT 27 1894

No. 177.

Legation of the United States,
Tokyo, Japan, September 29, 1894.

DEPARTMENT OF STATE
OCT 27 1894
RECEIVED.

Mr. Dun

to the Secretary of State.

Subject:

Receipt of instructions, circulars and telegrams.

No. 177.

Legation of the United States,
Tokyo, Japan, September 29, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir

I have the honor to acknowledge the receipt of your instructions Nos. 90 to 103, inclusive, your circular instructions dated July 17, and August 14, 1894, and your telegraphic instructions dated respectively Aug. 26th, Aug. 29th, Sept. 13th, Sept. 21st and Sept. 27th 1894.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Files

No. 178.

OCT 27 1894

DEPARTMENT OF STATE
OCT 27 1894
RECEIVED

Legation of the United States,
Tokiyo, Japan, September 29, 1894.

Mr. Dun
to the Secretary of State.

Subject:
Receipt of instruction No. 101.

No. 178.

Legation of the United States,

Tokyo, Japan, September 29, 1894.

Honorable W. Q. Gresham,

Secretary of State,

Washington, D. C.

Sir:

I have the honor to acknowledge the receipt of your instruction No. 101, of date August 29, 1894, instructing me in regard to the nature of my duties in connection with the care of the interests of Chinese subjects in Japan with which I have been charged during the continuance of hostilities between

China

China and Japan.

Your instruction shall be carefully observed by me.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

COPIED FOR CONGRESS.

INDEX BUREAU
REC'D.
OCT 31 1894
DEPT. OF STATE

No. 179.

Legation of the United States,
Tokyo, Japan, October 11, 1894.

DIPLOMATIC BUREAU
NOV 1 1894

Mr. Dun
to the Secretary of State.

Subject:
Laws for the Prevention of Collisions at Sea.

Mr Taylor. File

Copy to Treasury and add that Japan was the first of the powers represented at the Maritime Conference which enacted regulations embodying the recommendations of the Conference. As I understand it Japan has at present those regulations in force. But you had better verify this on the Treasury books.

W. R

Had we not better file this so we have a more definite reply
Taylor

No. 179.

Legation of the United States,
Tokyo, Japan, October 11, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

In compliance with your instruction No. 110, of date August 30th, 1894, on the 4th instant I addressed a note to H. E. J. Mis. Minister for Foreign Affairs in which was embodied that part of your instruction in which you express a sincere hope that Japan will adopt

regulations

regulations similar to those recommended by the International Marine Conference.

I am now in receipt of a reply from Viscount Mutsu, copy of which I have the honor to enclose herewith, in which he informs me that the matter has been referred to the authorities concerned.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure. Viscount Mutsu to Mr. Dun.

Oct. 9, 1894. — Copy.

Enclosure with Mr. Dun's No. 177.

Copy.

Translation.

No. 40.

Department of Foreign Affairs,
Tokio, the 9th day, the 10th month,
the 27th year of Meiji.
(October 9th, 1894.)

His Excellency

Edwin Dun,

E. E. and M. P. of the United States of America.

Sir:

I have the honor to acknowledge the receipt of Your Excellency's note No. 72 under date of the 4th instant, informing me of the putting into effect on March 1, 1895, by the Governments of the United States, Great Britain and France, of their respective laws for the prevention of collisions at sea, enacted in accordance with the recommendation of the International Marine Conference held at Washington in 1889, and expressing a sincere hope entertained by the United States Government that the Imperial Government will also adopt similar regulations.

I beg to inform Your Excellency that the matter has been at once referred to the authorities concerned.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed.) Viscount Mutsu Munemitsu,
Minister for Foreign Affairs.

2D ASSISTANT SECRETARY.
Ack. by Number and File.
NOV 24 1894

File

No. 180.

INDEX BUREAU
REC'D.
NOV 13 1894
DEPT. OF STATE

Legation of the United States,
Tokyo, Japan, October 23, 1894.

DIPLOMATIC BUREAU
NOV 24 1894

Mr. Dun
to the Secretary of State.

Subject:
Movements of the Japanese military forces.

No. 180.

Legation of the United States,
Tokyo, Japan, October 23, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

Another military expedition of 35,000 men has left Hiroshima in two divisions: the first of 12,000 on the 12th instant; the second of 23,000 on the 16th instant. The two divisions are supposed to rendez-vous at Chemulpo, Korea. This powerful expedition is commanded by General

General Count Oyama, Minister of War. Its destination is unknown to all but those who direct its movements but it is supposed to be Port Arthur. Doubtless within a very few days it will have landed when its object and destination will be known to the world.

The number of troops sent from Japan since the commencement of hostilities is now fully 75,000. Of these, 35,000 are with General Count Yamagata in northern Korea; 5,000 are in garrisons in different parts of Korea; the remainder comprising

No. 180 II

comprising General Oyama's expedition.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

COPIED FOR CONGRESS.

Secretary of State.
DEC 7 1894

No. 181.

INDEXED
RECD.
NOV 13 1894
DEPT. STATE

Legation of the United States,
Tokyo, Japan, October 23, 1894.

Mr. Dun
to the Secretary of State.

Subject:
Execution of alleged Japanese
spies arrested at Shanghai.

No. 181

Legation of the United States
Tokyo, Japan, October 23, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to acknowledge the receipt of your instruction No. 128 of the 28th ultimo, relative to the two Japanese boys, under arrest at Shanghai, charged as spies.

In connection with the last paragraph of your instruction in which you inform me that the

Chinese

Chinese Minister at Washington
"agreed that the two alleged
"Japanese spies should not
"be tried until Colonel
"Denby returned to China".
I regret to say that the
young men in question were
executed at Nanking on the
8th instant, before the Colonel
had reached Shanghai.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

2D ASSISTANT SECRETARY.
Ack. by Number and File.
aab
NOV 24 1894

File

No. 182

INDEX BUREAU
REC'D.
NOV 13 1894
DEPT. OF STATE

Legation of the United States,
Tokyo, Japan, October 28, 1894.

DIPLOMATIC BUREAU.
NOV 24 1894

Mr. Dun

to the Secretary of State.

Subject:
Address of the Emperor at the opening of the Diet.

No. 182.

Legation of the United States,
Tokyo, Japan, October 23, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:-

An extraordinary session of the Diet having been convoked by the Emperor to meet at Hiroshima, the Japanese Military Headquarters, it was opened by the Emperor in person on the 18th instant.

I have the honor to enclose

enclose herewith a translation of the Emperor's speech on that occasion furnished me by Viscount Motono, H. I. J. Mis. Minister for Foreign Affairs.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure:

Translation of the Emperor's speech

Enclosure with Mr. Dun's No. 182.

Copy.

Translation.

His Imperial Majesty's most gracious address to the two Houses of the Imperial Diet .

Nobles and Gentlemen:-

We have convoked an Extraordinary Session of the Imperial Diet at this time, and We have especially commanded Our Ministers concerned to lay before you as measures of great urgency Bills relating to Military and Naval Expenditures.

We regret that, China having, in disregard of her duty, declined to co-operate with Japan for the preservation of the peace of the East, the present conflict has resulted. But the sword having once been drawn hostilities must not be permitted to cease until the object of the war is attained.

It is Our earnest desire that Our loyal subjects shall in perfect union and harmony devote themselves to the promotion of the interests of Our Empire, and by securing a complete and final triumph of Our arms, secure a speedy restoration of the peace of the Orient and thus illustrate the glory of Our Nation.
You Nobles and Gentlemen, exert yourselves to reach a complete realization of this object.

Ack by subject & file.
NOV 24 1894

No. 183.

INDEX BUREAU
REC'D.
NOV 13 1894
DEPT. OF STATE

Legation of the United States,
Tokyo, Japan, October 23, 1894.

Ack.
26 Nov. '94.

Mr. Dun
to the Secretary of State.

Subject:
Speech of the Prime Minister to the House of Peers on the circumstances leading to the War.

No. 183

Legation of the United States,
Tokyo, Japan, October 23, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D.C.

Sir:-

I have the honor to enclose herewith translation, clipped from the "Japan Mail" of the 20th instant, of a speech delivered on the 19th instant by Count Ito, Minister President of State, in the House of Peers of the Imperial Diet giving an account of the

the circumstances that led to the present war between Japan and China, and laying before the Diet the correspondence that passed between the two Governments during the months of June and July of the present year.

Translations of this correspondence as presented by Count Ito I also have the honor to enclose herewith.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosures: 1. Count Ito's speech.

2. Correspondence as above.

Encl. 1. Mr. Dun's No. 183

The Japan Daily Mail.

YOKOHAMA, SATURDAY, OCTOBER 20, 1894.

THE IMPERIAL DIET.

Yesterday the Imperial Diet met for the transaction of regular business. Its proceedings have not yet been fully telegraphed, but the following speech was delivered by His Excellency Count Ito in the House of Peers:—

GENTLEMEN,—The Korean affair having developed into a war between this country and China, His Majesty the Emperor was pleased to remove the Imperial military head-quarters to this place, and to assume in person the solemn duty of general control over the expeditionary forces. His Imperial Majesty has further been pleased to convene here an extraordinary session of the Diet, so that you may take part in the deliberation of military measures of urgent importance. I have now the honour, in the discharge of my official duties, to avail myself of this opportunity for laying before you a general account of the circumstances that led to the present war between Japan and China.

It was Japan that took the lead in concluding with Korea a treaty recognizing her independence and in thus introducing her to the rest of the world. Subsequently, in the course of a few years, other countries also opened communications with Korea, recognizing her independence and concluding treaties with her on that basis. From the close proximity of Korea to our shores, it follows that her tranquillity or disorder, her prosperity or decline, have most important bearings upon this country's welfare. Unfortunately Korea is not only weak and enervated, but is also afflicted with the curse of maladministration. Internal disorders are frequent, and, what is worse, the Government is so helpless to restore order that such disorders very often constitute dangers to the foreign residents of the country. Since Korea is thus daily declining, Japan has to consider her case seriously. If Japan chooses to leave her to her fate, well and good. But if, on the contrary, by way of completing the original programme of this empire when we recognised Korean independence in anticipation of any other nation, Japan, be desirous, as she undoubtedly is, of protecting her rights and interests in Korea, then it is imperatively necessary for her to secure the consolidation of Korea's independence as the basis of general peace in the East. Since the Restoration, in pursuance of the Grand Imperial Policy, it has been Japan's aim at home to promote civilization, and abroad to develop foreign intercourse. Valuing, as she does, the general peace of the East, it has ever been her desire to advance in her career of civilization hand in hand with her neighbours. Such, consequently, has always been the policy pursued by this country toward Korea, whenever trouble occurred in the peninsula, and similarly in her intercourse with China, Japan has always been frank and just, highly appreciating the Middle Kingdom's friendship and good will. For instance, at the outset of the present trouble, Japan desired, in accordance with the spirit of the Tientsin Treaty, to divide equally with China the responsibility of rendering assistance to Korea, and maintaining the peace of the East. China, on the other hand, wantonly rejected Japan's proposals on vain pretexts. Thereupon Japan had single-handed to advise Korea about the reform of her Administration. Korea was prompt in complying with Japan's friendly counsels, but China secretly and openly tried all means to thwart the work of reform, thereby creating a state of affairs that ultimately made war inevitable. At this point I shall lay before you correspondence that passed between the Governments of the two countries, as an assistance to the right understanding of the situation. (Here follow various documents, of which translations will be published in our next issue.) What has thus far been read will show you how haughty and insulting has been China's attitude in this matter. On the one hand, she insisted on Korea's being her dependency; while, on the other, she pretended to recognize the autonomy of that Kingdom. In other words, China, while herself all the while interfering with Korea's affairs, tried to prevent the intervention of any other State, thus placing Korea under her sole management. China object was evidently to utilize Korea's internal disorders for the purpose of increasing her own prestige there, and instead of helping the peninsula Kingdom to renovate its strength and preserve its independence, she sought to destroy its very existence and annex its territory. In pursuance of that policy, China tried, on the one hand, to obtain the withdrawal of the Japanese troops, on the false pretext that the *Togaku-to* had been subdued, thereby to gain time to send reinforcements to Korea by way of intimidation. On the other, in utter disregard of the Tientsin Treaty, she attempted to instigate Korea to reject Japan's friendly advice. There are abundant proofs to establish this point, but I do not think it necessary to dwell upon them at any length. At this stage of the affair, certain Powers took the friendly office of mediation, and approached the Governments of the two countries. But their well meant advice was rejected by China. Thereupon His Majesty Government instructed its *Chargé d'Affaires* in Peking to declare to the Chinese Government that, since China was bent upon aggravating the complication, she alone must be held responsible for any emergency that might thereafter arise. China not only rejected Japan's friendly counsel and sought to disturb the peace of the East, but she even committed acts of warfare against this Empire. Under such circumstances, the only course left for Japan was to accept the challenge. Since the issue of the Imperial Rescript relating to the declaration of war, our Army and Navy have been able, by virtue of His Majesty's glory, as well as by the devotion and skill of the officers and men, to achieve repeated victories. You will heartily join with me in congratulating the country upon such an auspicious state of things. You, gentlemen, have already listened to the Speech from the Throne, and I have no doubt that you are prepared to perform your important legislative functions, so that the ultimate object of the present war may be attained by hearty cooperation between the Government and the people.

Tonghak

LATEST TELEGRAMS.

["Special" Telegram to "Japan Mail."]

Hiroshima, October 20, 4.30 p.m.

Count Ito's speech to-day in the House of Representatives on the situation was listened to in respectful silence. After a motion by a member for a secret sitting had been rejected, and a few questions had been asked by a *Kaishin-to* member, the House passed the War Budget (one hundred and fifty million *yen*) without debate and without one dissentient voice amid cheers, clapping of hands, and great enthusiasm.

Hiroshima, October 21, 5.20 p.m.

The war budget voted yesterday by the House of Representatives was passed unanimously in the House of Peers this afternoon. The House of Representatives to-day voted an Address to the Throne, expressing gratitude for His Majesty's unceasing personal attention to the affairs of the War; a Representation to the Government, exhorting it to devote its utmost exertions to carry out the Imperial pleasure in connection with the war, and a Vote of Thanks to the Army and the Navy.

All the Bills having been disposed of, notice has just now been given that the ceremony of closing the Diet will take place to-morrow morning, and that the Imperial Household Department will, by His Majesty's order, give an entertainment to the high officials and the members of both houses.

Encl. II Mr. Davis No. 183

The Japan Daily Mail.

YOKOHAMA. MONDAY. OCTOBER 22, 1894.

The following are translations of the despatches laid by Count Ito before the House of Peers on the 19th inst.:—

No. 1.

Chinese Legation, Tokyo, the 3rd day, the 5th month, the 20th year of Kwang-sû. (The 7th day, the 6th month, the 27th year of *Meiji*.)

MONSIEUR LE MINISTRE,—I have the honour to inform Your Excellency that I am in receipt of a telegram from His Excellency Li, Superintendent of Commerce of the Pei-yang, to the effect that in the Convention of the 11th year of Kwang-sû (the 18th year of *Meiji*) between China and Japan it is provided that should there arise in future the necessity on the part of China to despatch troops to Korea owing to the existence of any disturbance in that country, the fact shall be previously communicated to Japan and that the troops shall be withdrawn at once on the cessation of the disturbance and none shall be left behind, and the telegram adds that a communication has been received from the Korean Government containing the following statement:—

The people in Zenra-dô, who are vicious in habit, having, under the leaders of the Togaku-to, attacked and taken several towns and villages, proceeded northward, and took possession of Zenshu. The Government troops which were despatched to suppress the revolt, have not been successful. If this disturbance continues to spread and is allowed to exist for a long time, much trouble may be given to China. When in the years 1882 and 1884 we suffered from internal commotions, the uprisings were in each case suppressed by the troops of China on our behalf. In accordance with those precedents we hereby present an earnest application for despatch of some troops to speedily suppress the disturbance. As soon as the revolt is quelled, we will request the withdrawal of the troops and shall not ask for their longer detention so that they may not suffer the hardships of being abroad for a long period.

The telegram further states that the application upon examination is found to be urgent both in words and in fact, and that it is in harmony with our constant practice to protect our tributary states by sending our troops to assist them. These circumstances were accordingly submitted to His Imperial Majesty, and in obedience to his will, General Yeh, Commander of troops in Chili has been ordered to proceed at once to Zenra and Chinsei in Korea with selected troops, and to speedily suppress the disturbance in such manner as he may deem most convenient in order to the restore peace of our tributary state and to dispel the anxiety of the subjects of every nation residing in Korea for commercial purposes, and at the same time the general is commanded to return with the troops as soon as the desired object is attained.

The telegram finally declares that His Excellency the Minister to Japan is required to make communication in pursuance of the said Convention and is telegraphed to that effect and is accordingly instructed to at once communicate the matter to the Japanese Foreign Office.

In making therefore the foregoing communication to Your Excellency, I avail myself to renew to you the assurances of my highest consideration.

(Signed) WANG.

His Excellency Monsieur MUTSU, H.I.M.'s Minister for Foreign Affairs.

No. 2.

Department of Foreign Affairs, Tokyo, the 7th day, the 6th month, the 27th year of *Meiji*.

MONSIEUR LE MINISTRE,—I have the honour to acknowledge the receipt of Your Excellency's note of to-day acquainting me, in accordance with the provision of the Convention of the 18th day of the 4th month of the 18th year of *Meiji* between our two Governments that Your Government have despatched troops to Korea.

In reply, I beg to declare that although the words "tributary state" appear in your note, the Imperial Government have never recognized Korea as a tributary state of China.

I avail myself, &c., &c., &c.,

(Signed) MUTSU MUNEMITSU,
Minister for Foreign Affairs.

His Excellency Monsieur WANG, H.I.C.M.'s E.E. and M.P.

No. 3.

Japanese Legation, Peking, the 7th day, the 6th month, the 27th year of *Meiji*.

MESSIEURS LE PRINCE ET LES MINISTRES,—In pursuance of instructions which I have just received from His Imperial Majesty's Government, I have the honour, in accordance with the provision of the Convention of the 18th day of the 4th month of the 18th year of *Meiji* between our two Governments to acquaint Your Highness and Your Excellencies that owing to the existence of a disturbance of a grave nature in Korea necessitating the presence of Japanese troops there, it is intention of the Imperial Government to send a body of Japanese troops to that country.

I avail myself, &c.,

(Signed) KOMURA YUTARO,
H.I.J.M.'s Chargé d'Affaires.

His Highness and Their Excellencies of the Tsung-li Yamên.

No. 4.

Tsungli Yamên, the 6th day, the 5th month, the 20th year of Kwang sû, (the 9th day, the 6th month, the 27th year of *Meiji*.)

MONSIEUR LE CHARGÉ D'AFFAIRES,—We have the honour to acknowledge the receipt of your note under date of the 4th instant (the 7th day, the 6th month of the Japanese Calendar) informing us that you have been instructed by your Government to acquaint us, in accordance with the provision of the Convention between the two countries, that owing to the existence of a disturbance of a grave nature in Korea Japanese troops will be despatched to that country.

Our country has despatched troops to Korea in compliance with an application from that country, for the purpose of assisting her to suppress the insurgents, and the measure is in accordance with the practice hitherto pursued by our country in protecting tributary states. Besides the sole object being the suppression of the insurgents in the interior, the troops are to be withdrawn as soon as that object is attained. Although the condition of Jinsen and Fusan is at present quiet and peaceful, our war-vessels will be for a while stationed there for the protection of commerce carried on at those ports.

The sole object of your country in sending troops is evidently to protect the Legation, Consulates, and commercial people in Korea, and consequently it may not be necessary on the part of your country to despatch a great number of troops and besides, as no application therefore has been made by Korea, it is requested that no troops shall proceed to the interior of Korea so that they may not cause alarm to her people. And moreover, since it is feared that in the event the soldiers of the two nations, should meet on the way, cases of unexpected accident might occur, owing to the difference of language and military etiquette, we beg to request in addition that you will be good enough to telegraph the purport of this communication to the Government of Japan.

Accept, Sir, the renewed assurances, &c., &c., &c.

PRESIDENT AND MEMBERS OF TSUNG-LI YAMEN.

KOMURA, Esq.,
H.I.J.M.'s Chargé d'Affaires.

No. 5.

Japanese Legation, Peking, the 12th day, the 6th month, the 27th year of *Meiji*.

MESSIEURS LE PRINCE ET LES MINISTRES,—Having received your note under date of the 9th instant acquainting me that the despatching of troops to Korea is in accordance with the practice hitherto pursued by China in protecting her tributary states and that no necessity exists on the part of Japan to send a large number of troops there and requesting that those troops shall not be sent to the interior of Korea, I did not fail to at once communicate by telegram the purport of that note to my Government, and I have now the honour to inform Your Highness and Excellencies that I am in receipt of a reply by telegram to the following effect.

The Imperial Japanese Government have never recognized Korea as a tributary state of China. Japan dispatched her troops in virtue of the Chemulpo Convention and in so doing she has followed the procedure laid down in the Treaty of Tientsin. As to the number of troops the Japanese Government are compelled to exercise their own judgment. Although no restriction is placed upon the movement of the Japanese troops in Korea, they will not be sent where their presence is not deemed necessary. The Japanese troops are under strict discipline, and the Japanese Government are confident that they will not precipitate a collision with the Chinese forces. It is hoped that China has adopted similar precautions.

I avail myself, &c., &c., &c.,

(Signed) KOMURA,
H.I.J.M.'s Chargéd' Affaires.

His Highness and Their Excellencies of the Tsung-li Yamên.

No. 6.

Department of Foreign Affairs, Tokyo, the 17th day, the 6th month, 27th year of *Meiji*.

MONSIEUR LE MINISTRE,—I have the honour to inform Your Excellency that the following is a résumé of the proposals made in my interview with you yesterday to your government on behalf of the Imperial Government in respect of the present events in Korea as well as with a view to the adjustment of her affairs in future:—

As to the present events, Japan and China to unite their efforts for the speedy suppression of the disturbance of her insurgent people. After the suppression of the disturbance, Japan and China, with a view to the improvement of the internal administration of Korea, to respectively send a number of Commissioners charged with the duty of investigating measures of improvement, in the first place on the following general points:—

(*a.*) Examination of the financial administration.

(*b.*) Selection of the Central and Local Officials.

(*c.*) Establishment of an army necessary for national defence in order to preserve the peace of the land.

In making the foregoing communication, I avail myself, &c., &c., &c.

(Signed) MUTSU MUNEMITSU.
Minister for Foreign Affairs.

His Excellency Monsieur WANG H.I.C.M.'s, E.E. and M.P.

No. 7.

Chinese Legation, Tokyo, the 18th day, the 5th month, the 20th year of Kwang-sû, (the 22nd day, the 6th month of the 27th year of *Meiji*).

MONSIEUR LE MINISTRE,—I have the honour to inform Your Excellency that I am in receipt of a telegram from my Government to the effect that having carefully considered the proposal made by your Government in respect to the events in Korea and the adjustment of her affairs in future, the Chinese Government would reply as follows:—

As the disturbance in Korea has already been suppressed, it is no longer essential to trouble the Chinese forces on Korea's behalf, and therefore no necessity exists to consider the proposition that our two countries shall cō-operate in suppressing the disturbance.

In regard to the adjustment of Korean affairs in future, the idea may be excellent, but the measures of improvement must be left to Korea herself. Even China herself would not interfere with the internal administration of Korea, and Japan having from the very first recognized the independence of Korea, can not have the right to interfere with the same.

As to the withdrawal of troops from Korea after the suppression of the disturbance, provision on that subject exists in the Treaty of 1885, concluded between the two countries, and therefore it is not required to discuss the matter over again on this occasion.

The above has already been communicated to Your Excellency in our interview and in now repeating it for your further consideration, I avail myself, &c., &c., &c.

(Signed) WANG,
H.I.C.M.'s E.E. and M.P.

His Excellency Monsieur MUTSU, H.I.J.M.'s Minister for Foreign Affairs.

No. 8.

Department of Foreign Affairs, Tokyo, the 22nd day, the 6th month, the 27th year of *Meiji*.

MONSIEUR LE MINISTRE,—I have the honour to acknowledge the receipt of Your Excellency's note of the 22nd instant, in which Your Excellency, in pursuance of instructions from the Imperial Chinese Goverement, rejects the proposals advanced by His Imperial Majesty's Government for the tranquillization and amelioration of Korea.

The Imperial Government, much to their regret, find it impossible to share the hopeful views entertained by Your Excellency's Government regarding the actual situation in Korea at the present time.

Sad experience teaches us that the Peninsular Kingdom is the theatre of political intrigues and civil revolts and disturbances of such frequent recurrence as to justify the conclusion that the Government of that country is lacking in some of the elements which are essential to responsible independence.

The interests of Japan in Korea, arising from propinquity as well as commerce, are too important and far-reaching to allow her to view with indifference the deplorable condition of affairs in that Kingdom.

In this situation an attitude of unconcern on the part of Japan would not only be a denial of the sentiments of friendship and good correspondence which the Imperial Government entertain for Korea, but it would be a censurable disregard of the law of self preservation.

The necessity for the adoption of measures looking to the peace and tranquillity of Korea is for the reasons already given, a demand which the Imperial Government cannot permit to pass unheeded, for so long as those measures are delayed so long will the cause of the disorder exist.

In the estimation of the Imperial Government therefore the withdrawal of their forces should be consequent upon the establishment of some understanding that will serve to guarantee the future peace, order, and good government of the country. That course of action is, moreover, it seems to His Imperial Majesty's Government, not only in perfect harmony with the spirit of the Tientsin Convention, but it accords with the dictates of reasonable precaution.

Should the Government of China continue to hold views antagonistic to those which I have frankly and in good faith presented to Your Excellency it cannot be expected that the Imperial Government will, under the circumstances, feel at liberty to sanction the present retirement of their troops from Korea.

I avail myself, &c., &., &c.

(Signed) MUTSU MUNEMITSU,
Minister for Foreign Affairs.

His Excellency Monsieur WANG H.I.C.M's. E.E. and M.P.

No. 9.

Japanese Legation, Peking, the 14th day, the 7th month, the 27th year of *Meiji*.

MESSIEURS LE PRINCE ET LES MINISTRES,—Having communicated to H.I.J.M.'s Minister for Foreign Affairs on the same day, the particulars of the statement made by Your Highness and Excellencies on my interview with you at the Tsung-li Yamên on the 9th day, the 7th month, the 27th year of *Meiji*, I have the honour to inform you that I am just in receipt of a telegram from the Minister to the following effect :—

The disturbances which are of frequent occurrence in Korea have their source in the derangement of internal administration of that country. Consequently, the Imperial Government believe it best to encourage the Korean Government to eradicate the cause of disturbance by introducing internal administrative reforms and the Imperial Government considered that for the purpose of enabling Korea to accomplish the desired reforms, nothing would be better than the conjoint assistance of the Governments of Japan and China which have in common a vital interest in that country. Accordingly the Imperial Government proposed to the Imperial Chinese Government that such assistance be given to Korea, but to their surprise, the Imperial Chinese Government definitely rejected the proposal of Japan and limited themselves solely to a request for the withdrawal of the Japanese troops from Korea. Recently Her Britannic Majesty's Minister at Peking, animated by friendship and goodwill towards Japan and China, tendered his good offices and endeavoured to reconcile the differences existing between the two countries, but the Imperial Chinese Government still continued solely to insist upon the retirement of the Japanese forces and manifested no disposition to acquiesce in the view of the Imperial Japanese Government. The only conclusion deducible from these circumstances is that the Chinese Government are disposed to precipitate complications; and in this juncture the Imperial Japanese Government find themselves relieved of all responsibility for any eventuality that may, in future, arise out of the situation.

In enclosing herewith the translation of the above telegram, I avail myself, &c., &c., &c.

(Signed), KOMURA,
H.I.J.M.'s *Chargé d'Affairs*.

His Highness and Their Excellencies of the Tsung-li Yamên.

D ASSISTANT SECRETARY.
NOV 13 1894

NOV 24 1894

UNITED STATES LEGATION,
TOKIO.

October 23. 1894

My dear Mr Rockhill.

Yours of September 27th received yesterday. I send you in the pouch copies of the "Mail" "Gazette" & "Advertiser" containing articles on the Anglo-Japanese treaty. The views of foreign residents in Japan on the subject of treaty-revision are decidedly at variance. A majority perhaps, in the business communities are opposed to the surrender of jurisdiction,

This opposition is more
pronounced among British
residents than any other
nationality. Americans
here in business would
doubtless, almost to a man
prefer to remain under the
jurisdiction of our own
consuls, but they very
generally seem to think
that the old treaties have
outlived their time and
no longer meet the demands
of changed conditions
in Japan and that

a change is inevitable.
Should a treaty with the
United States be concluded
they are, I believe, as a
class prepared to
accept the situation
and can, therefore, hardly
be said to be hostile
to the idea of revision.
But little expression of
opinion is heard from foreigners
of other nationalities.

The missionaries are,
of course, heartily in favor
of treaty-revision. It would

enable them to hold property,
live where they please, and
make their residence and
work in the interior more
satisfactory to them in
every way. I believe that
without exception they are
favor of new treaties.

The foreign press here does
not fairly represent foreign
public opinion. While
"Mail" voices the extreme
in one direction the "Gazette"
and "Advertiser" go too
far the other way. The
"Japan Herald" can
hardly be ranked as

represent any one but-
lō Editor and consequently
lō expression of views
s of little if of any
value.

My relations with American
business men in Yokohama
are intimate and cordial
and I am confident they
would not hesitate to
make known to me their
views if they were decidedly
hostile to a change in

in existing treaties.

I am glad you like Kurisu.

Please give my regards to Mr Greatamen and Mr Aden & believe me

I am

Sincerely Yours

Edwin Dunn

P.S. News of the biggest fight yet is expected at any time but just where the "Scrap" is to be no follows can find out.

E. D.

File

2D ASSISTANT SECRETARY.
Ack. by Number and File.
NOV 24 1894

No. 184.

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REC'D.
NOV 13 1894
DEPT. OF STATE

Legation of the United States
Tokyo, Japan, October 23, 1894.

DIPLOMATIC BUREAU
NOV 24 1894

Mr. Dun
to the Secretary of State.

Subject:
Special session of the Imperial
Japanese Diet.

No. 184

Legation of the United States,
Tokyo, Japan, October 23, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

The extraordinary session of the Diet, opened by the Emperor at Hiroshima on the 18th instant, came to an end on the 22nd instant, after having passed, without debate, the War Budget of one hundred and fifty million yen.

I have the honor to

enclose

enclose herewith a clipping from the Japan Mail of this date entitled "The Diet" which reviews the action of that body in connection with the war.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosure:

Clipping from "Japan Mail" of Oct. 23rd.

The Japan Daily Mail.

YOKOHAMA, TUESDAY, OCTOBER 23, 1894.

THE DIET.

THE Extraordinary Session of the Diet came to an end on the 22nd instant. It was marked throughout by an absence of party friction and a degree of unanimity unprecedented in Japan's parliamentary records. Such a result had been anticipated. The people being absolutely a unit with regard to this war, their representatives were not likely to differ. Japan is animated by one sentiment at present—a determination to beat China to her knees or to perish in the effort. Not a solitary voice is anywhere raised in favour of hesitation or half measures. The nation is fighting in Korea, not the army alone. That the Diet would cheer on the Government, and gladly vote whatever supplies were demanded, was therefore a foregone conclusion. Yet the story of the three days' session at Hiroshima is even more striking than could reasonably have been anticipated. The programme of the Cabinet was simple. The Minister President laid before the Houses a succint statement of the causes of the war, together with copies of the despatches that had passed between the Governments of Peking and Tientsin. The Minister of State for Finance introduced the War Budget. On Count ITO'S statement we have already commented. It established clearly that Japan acted loyally toward China throughout; that she frankly invited the Middle Kingdom to cöoperate for the regeneration of Korea, declaring her conviction that such a union of effort was best calculated to develop the essential elements of responsible independence in the little Kingdom; that had China agreed to the very simple project of a joint commission, the sword need never have been drawn, and that the statesmen in Peking treated Japan's proposals with supercilious indifference throughout. The despatches bear conclusive testimony to these facts, and the despatches, we presume, will scarcely be queried even by the most biassed partisan. It is significant that not a single question was asked in either House with reference to the negotiations. No questions were needed. The documentary evidence showed plainly what had been the temper of each Government and what the course pursued.

The Houses having been thus instructed as to the origin of the war, were invited to consider a military budget providing for an expenditure of 150 million *yen*. That is an immense sum for Japan. Nearly the double of her annual income, it signifies as much to her as would an appropriation of 40 or 50 millions sterling to the legislators at Westminister. In asking for such a credit the Minister of Finance might have been expected to offer some assurance of its probable sufficiency or some recognition of the magnitude of the national effort involved. He did nothing of the kind. On the contrary, he adopted a tone of lofty confidence. He did not even think of limiting his hearers' patriotism by suggesting that the sacrifice now demanded of them would be final. What he said was that, however great might be the outlays required for the prosecution of the war, the Diet, he knew well, would grant every appropriation asked for. That was doubtless the kind of speech best suited to the temper of the nation. The House of Representatives voted the war budget without debate, without a dissentient voice, and amid immense enthusiasm.

Let us pass, for a moment, from this decidedly dramatic scene into the realm of sober arithmetic. The total sum voted was 150 million *yen*. Of that amount 26 millions are to be taken from the Reserves in the Treasury, and 124 millions are to be obtained by a domestic loan. Further, since a loan of 30 millions has already been floated, it results that the people are to be invited to put up only 94 millions more. The details of the transaction have still to be determined by the Minister of Finance, but it is plain that, if the war continue, the Government will have immediate need of funds, and the sale of Public Loan Bonds must therefore proceed apace. The expenditures that have already been sanctioned are said to be as follow:—

	Yen.
For Military Operations	19,150,319
For Naval Operations	3,888,507
Total	23,038,826

See next page

It is not to be concluded that this total represents the whole of the outlays thus far incurred. Expenditures on account of the campaign may be said to have commenced early in June, since the first batch of troops was embarked in the second week of that month. Warlike operations have therefore been already in progress for nearly five months, and it is scarcely credible that the money spent during all that time, has not exceeded 25 million *yen*, or, say, 2½ millions sterling. Still we are justified in accepting the figure as a fair approximation, and in concluding from it that the war is not involving any such expenditure as Western experience had taught us to expect. But whatever the expenditure involved, Japan is determined, to fight her battle single-handed. She will not have recourse to foreign aid in any form. We admire her spirit, but we understand very well that just at present she has no real sense of the magnitude and consequences of her efforts.

2D ASSISTANT SECRETARY.
Ans. Dft. ack
NOV 23 1894

Nov. 29, 1894

No. 185.

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REC'D.
NOV 19 1894
DEPT OF STATE

Legation of the United States,
Tokyo, Japan, October 29, 1894.

Mr. Dun
to the Secretary of State.

Subject:

Japan proposes to assume jurisdiction over American of foreign nationality seamen, charged with offenses committed in Japanese waters.

No. 185.

Legation of the United States,
Tokyo, Japan, October 29, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to enclose herewith clipping from the "Japan Gazette" of the 24th instant entitled "Important Question of Consular Jurisdiction" purporting to be a translation of correspondence between Mr. Nakano Takeaki, Governor of Kanagawa Ken, and

and H. I. J. Mo. Minister for Foreign Affairs, upon the subject of jurisdiction over American sailors of foreign nationality for offenses committed under the flag of the United States within Japanese waters.

On the 27th instant I called upon Viscount Mutsu and inquired if the translation which appeared in the "Gazette," ~~and~~ referred to above, was correct, and, upon being informed by him that it was, expressed my extreme regret that this question of jurisdiction had

been

had been raised, and also ~~that~~ that
belief that the action of the
Japanese Government in this
matter could lead to no good,
but, on the contrary, was liable
to lead, at any time, to com-
plications and unpleasant
conflicts of jurisdiction. I
reminded him of the fact that
the United States had exercised
the jurisdiction in question for
many years; that it had been
acquiesced in by all other Powers
having treaties with Japan; that
the Circuit Court of the
United States had affirmed
the right of the Consular Courts

in

-in Japan to exercise that jurisdiction (See In re Ross, petitioner. U. S. Reports 140/453); that the instructions of my Government upon the subject to its diplomatic and consular agents in Japan were clear and explicit and made it impossible for me to discuss, even, any question of principle that might be involved; and I asked the Minister if the instruction sent to the Governor of Kanagawa could not be withdrawn, or, at least, modified. Viscount Mutsu replied that he regretted exceedingly that the correspondence had been made public;

that

that it was done without his knowledge or consent; that it had been his desire not to raise this question with the authorities of the United States until such time as a case should arise to make it necessary, but that, the correspondence having been made public, he could not withdraw, or modify in any way his instruction to the Governor of Kanagawa Ken. He said that he would however, privately advise that official to be careful to avoid any unnecessary action that would lead to complications with the United States Consular authorities.

authorities. But, he said, cases may arise where it will be necessary for the authorities of Kanagawa to act under the instructions made public. I informed the Minister that, under the circumstances, it only remained for me to say that the laws of the United States and the instructions of my Government forbid the recognition on my part of the right of the Japanese courts to assume jurisdiction over American seamen for offenses committed under the flag of the United States.

On the 28th instant I addressed

2. addressed a note to the Minister, copy of which I have the honor to enclose herewith, making in writing the same declaration made verbally to the Minister the day before.

On August last I was informed by Consul General McIvor that the question of jurisdiction over American seamen of Chinese nationality had been the subject of informal discussion between himself and the authorities of Kanagawa-Ken, and that, possibly, it would be referred to the Foreign Office in Tokyo. I asked the Consul

Consul General to urge the Kanagawa authorities not to raise the question at the present time; that it was of no practical importance to Japan; that it might lead to serious complications; and that we were bound by our instructions to maintain jurisdiction over American seamen of foreign nationality charged with offenses against the law.

About the 1st of September I was informed by the Consul General that the authorities of Kanagawa-Ken had assured him that nothing would be done in the matter until

until the Foreign Office had communicated with me upon the subject. As I heard nothing further in regard to the matter until the correspondence between the Minister for Foreign Affairs and the Governor of Kanagawa-Ken was published in the "Gazette", I had hoped and believed that the matter would be allowed to rest.

Doubtless the primary object of the Governor of Kanagawa-Ken was to determine the question of jurisdiction over Chinese subjects enrolled upon the articles of American

vessels

vessels as American seamen;
and, in the belief that he
would thereby strengthen
himself in the position he had
taken, in his despatch to the
Minister for Foreign affairs,
he associated them with Jap-
anese subjects similarly
enrolled as American sea-
men.

I shall doubtless receive
from H. I. J. M's. Minister for
Foreign Affairs a communica-
tion in reply to my note to
him, of yesterday's date, in
explanation of the action of
his Government in this mat-
ter. A copy of any such

communication

communication will be forwarded at once to you.

I shall be glad to receive such instructions as you may see fit to give me in regard to this matter.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosures:

1. Correspondence between the Governor of Kanagawa-Ken and the Minister for Foreign affairs- translation.
2. Mr. Dun to Viscount Muten, October 28, 1894.— Copy.

Enclosure I with Mr. Dun's No. 185

The Japan Gazette.

YOKOHAMA, 24TH OCTOBER, 1894.

IMPORTANT QUESTION OF CONSULAR JURISDICTION.

Mr. Nakano Takeaki, Governor of Kanagawa-ken, has put the following question to the Foreign Affairs Department, and received a reply as subjoined, concerning American jurisdiction over Japanese sailors on board American vessels :—

The Consular jurisdiction under the present treaties being applicable only to the subjects of the Treaty Powers, in case a subject of one Power, who has legally entered the service of a vessel belonging to another Power, commits a crime, the Consul of the Power to which he belongs has jurisdiction over him; and it follows of course that when such a sailor is a subject of this country or a foreigner coming under the jurisdiction of this country, the Japanese Courts shall have jurisdiction over him. The United States of America, however, claims jurisdiction over the sailors of any vessels belonging to them, irrespective of the sailors' nationality, for offences committed under the United States flag. For an instance, a British subject who had committed murder a few years ago in Yokohama, was tried in the Court of the United States Consulate-General. He appealed subsequently. But the United States Supreme Court recognises plainly such jurisdiction over the subjects of another power, as can be seen from the judgment given; and it is understood that the European Powers also consent to such jurisdiction. From this, it appears that a subject of this country or a foreigner coming under the jurisdiction of this country, under similar circumstances, so long as he is a sailor belonging to a United States vessel, shall come under the jurisdiction of the Consul of that Power. In view of the fact that there are many native and Chinese subjects serving in United States vessels, and of the probability that criminal cases concerning them might arise at any time, I hereby beg to present the question whether the Imperial Government recognises such jurisdiction of the United States.

Awaiting your reply,

NAKAKO TAKEAKI,

Governor of Kanagawa-ken.

MUTSU MUNEMITSU, Esq.,

Minister of State for Foreign Affairs.

In reply to your question relative to jurisdiction in cases of offence committed in the Empire by a sailor of a foreign vessel, I beg to state that your view is quite proper, that in such case a sailor, being a Japanese subject or a foreigner under Japanese jurisdiction, should come under the jurisdiction of Japanese Courts. The United States jurisdiction over such a sailor could not be recognised on the part of the Imperial Government.

MUTSU MUNEMITSU,

Minister of State for Foreign Affairs.

NAKANO TAKEAKI, Esq.,

Governor Kanagawa-ken.

Enclosure 2 with Mr. Dun's No. 185.

COPY.

No. 79. Legation of the United States,

Tokyo, October 28, 1894.

His Ex cellency

Viscount Mutsu Munemitsu,

H. I. J. M's. Minister for Foreign Affairs.

Sir:-

Referring to my conversation upon the subject with Your Excellency, yesterday, and to the correspondence between Your Excellency and Mr. Nakano Takeaki, Governor of Kanagawa Ken, relative to jurisdiction over American seamen of foreign nationality, and assuming the translation of the correspondence referred to to be correct as published in the "Japan Gazette" of the 24th instant, and enclosed herewith, I have the honor to inform Your Excellency that the laws of the United States, and the instructions of my Government to its diplomatic and consular agents in Japan forbid the recognition on my part of the right of the Japanese courts to assume jurisdiction over American seamen for offenses committed under the flag of the United states.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed.) Edwin Dun.

Enclosures: Copy of correspondence appearing in Japan Gazette of the 24th instant.

3RD ASSISTANT SECRETARY.
To War Dept
NOV 20 1894

No. 186.

INDEX BUREAU
REC'D.
NOV 19 1894
DEPT. OF STATE

Legation of the United States,
Tokyo, Japan, October 29, 1894.

To War Dept.
21st Nov. 94

Mr. Dun
to the Secretary of State.

Subject:
Arrival of Lieutenant O'Brien,
Military attaché.

No. 186.

Legation of the United States,
Tokyo, Japan. October 29, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

I have the honor to inform you that Lieutenant M. J. O'Brien, lately appointed Military Attaché of this Legation, arrived in Tokyo on the 25th instant and reported to me.

The Japanese military authorities are doing everything

in

in their power to facilitate Lieutenant O'Brien's departure for the seat of war.

I have the honor to be,

Sir,

Your obedient servant.

Edwin Dun

Mr Dun

DIPLOMATIC BUREAU

DEC 3. 1894

No. 187.

Legation of the United States,

Tokyo, Japan, November 7, 1894.

INDEX BUREAU
REC'D.
DEC 3 1894
DEPT. OF STATE

Mr. Dun

to the Secretary of State.

Subject:

Alteration in reading of despatch

No. 185.

No. 187.

Legation of the United States,
Tokyo, Japan, November 7, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:-

I have the honor to call attention to my No. 185 of date the 29th ultimo and to request that lines 2 and 3 on page four be so changed as to read "(See "In re Ross, Petitioner. U. S. Supreme "Court Reports, Vol. 140, 1891, page 453.";
and that in place of the word "Circuit" in the 15th line of page three, there be-

be inserted the word "Supreme".

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

ip

TELEGRAM RECEIVED. Cipher

From Tokio

November 6, 1894.

INDEX BUREAU
REC'D.
NOV 7 1894
DEPT. OF STATE

Received M.

Gresham

Washington.

Wilde and Howie claiming to be United States citizens contracted with Chinese Government to make implements of war capable of destroying Japanese Navy. Landed Yokohama from the United States on the second November departed for Shanghai on French Steamer "Sydney". Japanese naval officers boarded "Sydney" at Kobe, found written contract with Chinese Government, arrested Wilde and Howie by force and now hold them as prisoners of war. French authorities have protested against the arrest. What action shall I take? Telegraph instructions.

Dun.

Mr Adee

2D ASSISTANT SECRETARY
Ack, referring to Dept's
No 145, of Nov. 29. 1894.
DEC 7 1894

No. 188.

INDEX BUREAU
REC'D
DEC 3 1894
DEPT. OF STATE

Legation of the United States,
Tokyo, Japan, November 7, 1894.

DEC 7 1894
DIPLOMATIC BUREAU

Mr. Dun
to the Secretary of State.

Ack. Dec. 8. 94

Subject:

Japan's attitude on question of jurisdiction over American seamen of foreign nationality

No. 188.

Legation of the United States,
Tokyo, Japan, November 7, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:-

Referring to my despatch No. 185, of date October 29, 1894, relative to the question of jurisdiction in Japan over American seamen of foreign nationality, and to my note of date October 28, 1894, to Viscount Mutsu, H. I. J. Mis. Minister for Foreign Affairs, upon the subject, a copy of which was enclosed

to

to you in my No. 185, I now have
the hona to enclose herewith
copy of a note of date the 5th
instant from Viscount Mutsu
in response to my note to him
of October 28th, referred to above.

As you will please observe,
Viscount Mutsu suggests the
advisability of permitting
the matter to remain in abey-
ance for the present," making
"the discussion of the point
"hereafter dependent upon the
"actual occurrence of a concrete
"case which would give practi-
"ical importance to the question."

I have the honor to be,

Sir,

Your

No. 188 II

Your obedient servant,

Edwin Dun

Enclosure:

Viscount Mutsu to Mr. Dun,

Nov. 5, 1894.- Copy.

Enclosure with Mr. Dun's No. 188.

COPY.

Translation.

No. 42.

Department of Foreign Affairs,
Tokio, the 5th day, the 11th month,
the 27th year of Meiji.

His Excellency
Edwin Dun,
Envoy Extraordinary and Minister Plenipotentiary
of the United States of America.

Sir:

I have had the honor to receive Your Excellency's note of the 29th Ult., in which Your Excellency encloses translations taken from the "Japan Gazette" of two domestic communications which passed between this Department and the Chiji of Kanagawa in reference to a question of jurisdiction, and acquaints me that under the laws of the United States and the instructions of your Government you are forbidden to recognize the right of Japanese courts to assume jurisdiction over American seamen for offenses committed under the flag of the United States.

My instructions to Mr. Nakano, Your Excellency will observe, had relation solely to the question of jurisdiction over offences committed in this Empire by Japanese subjects and citizens of Powers not having jurisdiction in Japan, who belonged to the crews of foreign vessels. Your Excellency's reservations are of a general character and are predicated upon the laws and instructions of your Government, and I do not understand from them whether it is your intention to deny the

the interpretation placed by the Imperial Government unpon the jurisdictional stipulations contained in the Treaty between our two Countries.

But under the circumstances, happily no case involving the point in question has yet arisen and consequently the subject at this time possesses only an abstract interest. And as no such case may arise in the future I beg to suggest the advisability of allowing the matter to remain in abeyance in its present situation, making the discussion of the point hereafter, dependent upon the actual occurrence of a concrete case which would give practical importance to the question.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

(Signed.) Viscount Mutsu Munemitsu,
Minister for Foreign Affairs.

DIPLOMATIC BUREAU
DEC 3 1894

2D ASSISTANT SECRETARY.
DEC 14 1894

No. 189.

INDEX BUREAU
REC'D.
DEC 3 1894
DEPT. OF STATE

Legation of the United States,
Tokyo, Japan, November 6, 1894

Rec'd Dec 14 1894

Mr. Dun

to the Secretary of State.

Subject:

Reading of cipher telegram.

No. 184.

Legation of the United States,
Tokyo, Japan, November 8, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:—

I have the honor to enclose herewith the reading of my cipher telegram of the 6th instant relative to the forcible removal of two passengers claiming to be American citizens from the French steamer "Sydney."

I have the honor to be,
Sir,
Your

Your obedient servant,

Edwin Dun

Enclosure:

Reading of cipher telegram.

Enclosure with Mr. Dun's No. 189.

Reading of a cipher telegram transmitted to the Secretary of State on November 6th, 1894.

"November sixth.

"Gresham , Washington.

"Wilde and Howie claiming to be "United States citizens contracted with Chinese Government "to make implements of war capable of destroying Japanese "Navy. Landed Yokohama from the United States on the second "November. Departed for Shanghai on French steamer "Sydney". "Naval officers boarded "Sydney at Kobe. Found written "contract with Chinese Government. Arrested Wilde and Howie "by force and now hold them as prisoners of war. "French authorities have protested against the arrest. What "action shall I take? Telegraph instructions.

" Dun."

No. 190.

INDEX BUREAU
REC'D.
DEC 3 1894
DEPT. OF STATE

Legation of the United States.

Tokyo, Japan, November 8, 1894.

DIPLOMATIC BUREAU
DEC 5 1894

Mr. Dun

to the Secretary of State.

Subject:

Arrest and forcible removal from a French mail Steamer of two persons claiming to be American citizens.

No. 190.

Legation of the United States,
Tokyo, Japan, November 8, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:-

On the 6th instant I had the honor to inform you by telegraph of the arrest by the Japanese Naval Authorities at Kobe, Japan, of two persons claiming to be citizens of the United States. I deemed it my duty to put you in possession of the principal facts in connection with the incident

incident, in the first place to enable you to send me such instructions in the premises as you might deem proper, and, secondly, in the belief that garbled reports of the affair would appear in the newspapers and that it would be your wish to know the truth of the matter as soon as possible. I therefor ventured to telegraph you at some length, stating the principal facts in the case as succinctly as possible.

It appears that John Wilde, alias John Brown, an Englishman by birth, and

a

a naturalized citizen of the United States, was formerly in the Brazilian service in the capacity of a torpedo expert. He claims to have invented a marine torpedo, or implement of naval warfare, capable of destroying any fleet of ships against which it may be used. It is claimed by the Japanese authorities that Wilde entered into a contract with the Chinese Government to go to China and manufacture and operate for them a certain number of his destructive invention, and that there were associated with him in the adventure

adventure a man named George Xowie, claiming to be a naturalized American citizen, and a Chinaman who goes by the name of Chung Moore, but whose real name, I understand, is Chang Jan Mow, who was, until recently, connected with the Chinese Legation at Washington, and who also claims to have in his possession naturalization papers of the United States citizenship. I am informed by Mr. Hayashi, Vice Minister for Foreign Affairs, that he has received an abstract of the contract entered into between the those persons above

mentioned

mentioned and the Chinese Government. By the terms of which it appears that, in addition to the sum of $100,000- advanced by the United States by the Chinese Government, the three men were to receive a certain amount for every Japanese vessel, naval or merchant, destroyed by them, and in the event of the annihilation of the Japanese fleet, their operations were to be rewarded in the further sum of $1000,000.

Upon the arrival from San Francisco of the British steamer "Gaelic" of the O. and O. S. S. Line, at Yokohama on the 2nd instant, the Japanese Naval Authorities

authorities received information to the effect that these three men were on board, and that they had with them sufficient explosive material to manufacture sixteen of the engines of war they had contracted to make for the Chinese Government. The "Gaelic" was boarded by the Japanese Naval Authorities, on the 5th instant, who searched the vessel for the contraband of war supposed to be on board, but nothing of the kind was found. In the meanwhile, Wilde, Howie and their Chinese companion

had

had left the "Gaelic" and taken passage on the French mail steamer "Sydney" which sailed from Yokohama for Shanghai on the 3rd instant, via Kobe and Nagasaki. Upon her arrival at Kobe the Sydney was boarded by the Naval Authorities and the baggage of the three passengers named above was searched, and, it is claimed by the Japanese authorities here, the contract between Wilde and his associates and the Chinese Government was found. Upon the finding of this document

document, as the Captain of the Sydney refused to permit the arrest of the three passengers in question, a force of marines from the Japanese man-of-war "Tsukuba-Kan" boarded the "Sydney" at eleven o'clock, P. M. on the 6th instant and took the three passengers by force to the "Tsukuba-Kan" where they are now held as prisoners of war. The French Consul at Kobe protested strongly against the action of the Japanese authorities in making the arrest, and the French Minister at this

Court

Court also made a verbal protest to H. I. J. Ms. Minister for Foreign Affairs and has telegraphed to his Government for instructions in the premises.

On the morning of the 6th instant Mr. Harmand, the French Minister visited me at this Legation and informed me of what had occurred at Kobe and of the action taken by him in the matter. I at once visited the Foreign Office and, in the absence of the Minister, saw Mr. Hayashi, Vice Minister for Foreign Affairs, and inquired of him the

reason

reason for the arrest of Wilde and Howie and whether they were held as prisoners of war, or by the civil authorities of his Government. In reply Mr. Hayashi informed me of the action taken by his Government and their reasons for making the arrest. His version of the incident was substantially the same as I have given here. He said that his Government had received information that led them to believe that if these men were permitted to go on to China, the Japanese vessels of war would

be

be exposed to a serious danger, and that the action taken was prompted by urgent necessity, and as a means of self preservation; that the documents found in the baggage of the men arrested proved that they were engaged to enter the military service of China, and to protect themselves from the danger threatened by such service, the Japanese authorities had but one recourse and that was the detention of the men; that they were actually on their way to China to engage

in

in active hostilities against
Japan and they were, there-
fore, considered enemies and
held as prisoners of war.
M. Hayashi informed me
that he had telegraphed to
Kobe for a copy of the contract
between the men arrested and
the Chinese Government, and
that when it reached him
he would be prepared to inform
me definitely of its character.

I informed M. Hayashi
that I was not at that time
prepared to either acquiesce
in the action taken by the
Japanese authorities in arresting
American citizens in the manner
stated,

stated, nor to protest against that action; that I would at once acquaint my Government by telegraph with the facts of the case and ask for instructions in the premises, reserving any representation that it might be necessary for me to take until those instructions were received.

Beyond being deprived of their liberty the men arrested will be subjected to no hardships and I am assured by Mr. Hayashi that their personal needs and even comforts are supplied.

This incident has caused considerable

considerable excitement among the foreign community in Japan and I have the honor to enclose herewith clippings from the foreign press of Yokohama and Kobe giving versions of the affair and commenting upon it.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosures:

Clippings from newspapers as above.

Encl. with Mr. Dun's No. 190.

The Japan Daily Mail.

YOKOHAMA, WEDNESDAY, NOVEMBER 7, 1894.

THE "SYDNEY" AFFAIR.

The *Nichi Nichi Shimbun* states that two Americans, named John Brown and George Howie—some papers states that the latter is a British subject—and a Chinese, named Chan Fan Moh, were originally among the passengers on board the *Gaelic*. They passed the night of their arrival at Yokohama on board the *Gaelic*, but transferred to the *Sydney* the following day, and at once started for Kobe. The Americans are said to have declared that they were in possession of an invention, by which they were able to destroy any number of vessels with torpedoes on an improved plan. Moreover, it was stated that they were engaged by the Chinese Government for service in the Chinese Navy. The foreigners, who promised the Chinese Government to sink all the Japanese ships within some eight weeks from the date of the conclusion of their agreement, were to receive $100,000 for the task. This report reached the Japanese Government, but no special attention was at first paid to it. Further investigations showed, however, that the foreigners were very probably employed by the Chinese Government for warlike purposes, and further evidence was sought and obtained. The Japanese authorities accordingly proceeded to the *Gaelic*, but were told that the suspected men had left for Kobe by the *Sydney*. A search was then effected by the Kobe authorities, and the three persons were arrested. They are now lodged at the Jiyu-tei, pending further instructions.

A Hiroshima telegram, dated the 6th, received by the *Nichi Nichi* states that the American is an inventor of a very explosive gunpowder, and the alleged Englishman lately acted as Chief Torpedo officer in Brazil, and is a renegade Englishman. The Chinese is a student secretary in the Chinese Legation in America.

DETENTION OF THE "SYDNEY" AT KOBE.

Upon information supplied from some sources not exactly known, says the *Kobe Chronicle*, the M.M. steamer *Sydney* was boarded by the Japanese authorities at 4.30 a.m. yesterday before any of the passengers were up. The Japanese officials declared they had information concerning the transfer at Yokohama of two Americans and one Chinaman (said to be an interpreter of the Chinese Legation at Washington) from the *Gaelic* to the French mail-steamer, and demanded these persons should be handed over to them. The Captain protested, and insisted that the matter should be first referred to the French and the American Consuls. Marines from the *Tsukuba Kan* were subsequently brought on board, in spite of the protest of the Captain, and set to guard the suspected passengers—who were followed from one part of the ship to another. Their luggage was opened and examined, and their cabins were searched. Some papers were seized,—one of which was said to be a contract for some war material, or military machinery. The search was further prosecuted in spite of the Captain's protest; all the cases on deck being broken open, even the ship's biscuit boxes were examined. It was then announced to the Captain that the hold must be searched and the cargo examined. All day long telegrams were being wired to Tokyo and Hiroshima, but after the preliminary search matters remained *in statu quo* until a late hour yesterday.

Repeatedly during the day the Captain was told that by giving up the suspected passengers, with their baggage, to the Japanese authorities, he could proceed on his way. The Captain refused. The French Consul and the American Consul came on board; and the French Consul protested vigorously. The American Consul made inquiries; but naturally took no other immediate action, as the illegality of the Japanese proceedings had not yet assumed any form that could justify his interference. The French Consul's duty was, of course, plain enough; and he carried it out. The Japanese authorities, in view of his vigorous protest, telegraphed at once to Hiroshima for instructions. It appears that the reply was an order for the forcible arrest and detention of the suspected passengers.

At eleven o'clock last night a strong force of armed marines from the *Tsukuba Kan* went on board, and in spite of the warning of the French Consul and the protest of the Captain, seized the three passengers and conveyed them as prisoners of war to the Japanese warship, where they remain in durance vile.

This action of course threw the matter also into the hands of the American Consul, who will now take prompt action,—two American citizens being illegally under arrest. Telegrams are flying round the world; and the affair is likely to bring about some unpleasant complications.

At midnight the *Sydney* was suffered to go on her way.

The names of the three passengers have been given as Howie, Browne, and Cham Fam Moore. A fourth party, a Chinese missionary named Reid, is said to have been mixed up with the affair—he was very intimate with the prisoners on the passage from San Francisco, and narrowly escaped trouble in consequence. The Americans are said to have been travelling under *aliases*. The Chinese speaks English admirably.

The man who travelled under the name of Howie is said to have proclaimed while on the *Gaelic* that he had invented a *machine-de-guerre* which was going to blow the Japanese out of Korea. As the Americans would say, he seems to have "shot off his mouth too much"—a risky self-indulgence in war time on a steamer carrying Japanese hands who understand English.

The Kobe Herald.

TUESDAY, NOVEMBER 6TH, 1894. 7.45 P.M.

THE ARREST OF THE "SYDNEY'S" PASSENGERS.

It will be seen from the brief account reproduced in this issue from this morning's supplement that the affair of the French mail steamer Sydney assumed a different phase shortly before midnight last. To the particulars there given there is little to add, beyond those contained in the account of our Reporter's futile attempt to obtain an interview with the arrested men at noon to-day. The three passengers are now in confinement at the Jiyutei Hotel, under strict guard. There can be little question that the Government has committed itself to a grave step likely to involve consequences of the most serious nature, by thus taking by force of arms passengers from a foreign mail steamer against whom no charge whatever has been laid in duly constituted Courts of Law. It is to be presumed that they carefully weighed the possible results of the action prior to committing themselves to it irrevocably. The formal and resolute protests lodged by M. de Lucy Fossarieu and Captain Delacroix at various stages of the affair were in themselves sufficient to apprise the authorities of the far-reaching issues involved. We are in a position to state that the French Vice-Consul and Captain Delacroix only yielded to an unmistakable and positive display of force. Not until then, not until it had been made unequivocally clear that the armed force would be called into active employment if refusal to allow the men to be given up was persisted in, did the officers named submit under protest to this violation of rights. The American passengers likewise protested, lodging with the French Vice-Consul (who remained on board from 7 a.m. yesterday till 12.30 a.m. to-day) protests for transmission to the United States Consul. Both Consulates, needless to say, are in constant telegraphic and postal communication with their respective Legations. In both Consulates, we may state, the gravity of the step taken is fully recognised. The right of the Government to detain and search the ship for contraband of war is of course undisputed, but that is a very different thing indeed to the forcible removal of presumably innocent passengers from a foreign mail steamer flying the flag of a friendly power. It is of importance to note that the Governor of this Prefecture has no official cognizance of the proceedings which have so deeply stirred this community during the past thirty-six hours. Speaking this morning, he was careful to make it plain that the civil authorities here know nothing whatever officially of what has transpired. The action taken has been taken by the Naval authorities at the direction of the Central Government. Our readers will be careful to note the import of this fact. It means, in effect, that this port, like Hiroshima and Ujina, is practically under martial law. This point requires to be made clear. Hiroshima and Ujina have been duly declared to be in a state of siege; not so any other part of the empire. If foreign passengers can be taken by force from a foreign mail steamer without due course of law, foreign residents can also be taken by force from their homes or places of business without due course of law. We do not say that this cannot be done here; Foreign Governments and Foreign Secretaries appear to have reached a new conception of the powers and prerogatives of Foreign States with which they have the good fortune to be at peace. We do say, however, that if action of this kind is possible, the sooner it is known here the better for all concerned. What would have happened had the officers of the French mail steamer or the suspected passengers resolutely refused to accede to the demand of the Japanese Naval Officer and ignored his display of force? It appears to us that under the circumstances they would have been within their rights had they positively refused the demand preferred. In that case, of course, the Tsukuba Kan could, as certain

Japanese say she was actually ordered to as· a last recourse, have fired into the Sydney as she attempted to leave the harbour with the coveted passengers on board. It seems clear that an incident of the gravest possible nature, from an international standpoint, has only been averted by the coolness and care of the French Vice Consul, Captain Delacroix, and the three Americans who are now in close confinement, under armed guard, at the Jiyutei Hotel here.

The Japan Gazette.

YOKOHAMA. 7TH NOVEMBER, 1894.

WE are now in possession of the true facts of the case with regard to the seizure of the *Gaelic* and the *Sydney*. The *Nichi Nichi's* statement may be taken as substantially correct, especially as to the terms of the contract found in the possession of the men arrested. From a perusal of this explanation one cannot but conclude that Japan has used a Nasmyth hammer to crack nuts. In other words the risks run and the means employed were totally disproportionate to the value to China of the prisoners. The agreement, which may be depended upon to have sufficient flaws to have let the Chinese escape from the payment if no good results were obtained, is a document only less extraordinary than the stories of the genii in the Arabian Nights. How the Chinese Government could believe that any man had an invention which could be relied upon to blow any warship out of the water directly she appeared on the horizon, is a mystery. But the undertaking to sink Japan's navy in eight weeks is as rational as Mrs. PARTINGTON'S attempt to keep back the tide with a broom. Were it not for the serious aspect affairs have taken the whole thing would have been a ridiculous farce. Two adventurous blowhards, with no motive but self-advertisement, brag of an invention more marvellous than ALADDIN'S lamp. Their conversation is overheard by Japanese passengers or servants, and the Japanese authorities swallowing the palpable absurdity, go to the extreme lengths of raising delicate questions of International Law in order to effect their arrest. Had the secret been really valuable it is certain no-one on board the *Gaelic* would have heard of it, and it seems a thousand pities that in a moment of excitement the Japanese authorities should have defied all precedents, to capture two loud-mouthed braggarts whom it is highly improbable they would ever have heard from afterwards, except by further boasting. It is to be regretted that two such characters should be permitted to occupy the high place in history to which Japan's indiscreet action will elevate them. For the reasons given in the *Nichi Nichi* only emphasize the daring character of Japan's act. Had those two men remained upon the *Gaelic*, and been seized there, the case would have been identical with the *Trent* incident, inasmuch as the vessel was bound from a neutral to a neutral port, and although Great Britain does not now possess a Lord PALMERSTON, she could not have allowed so grave an infringement of her rights to pass without remonstrance. Directly, however, the naval authorities heard that the men they sought were at Kobe the torpedo-boats were withdrawn, and all danger of the worst complications with Great Britain ceased. But at Kobe was being played a melodrama of a more exciting kind. The *Sydney* is an armed French mail steamer, claiming the status, the immunities and the privileges of a French cruiser. This claim has been recognized by the English authorities at Hongkong, where the French mail steamers are granted the rights of a man-of-war, and this is carried to such an extent that a writ issued in the Colony was held not to be efficient for arrest on board. The case then is of greater gravity than if it had happened to an ordinary steamer. The attitude of the French Government will be guided by the view she takes of Japan's emergency. The prisoners were in a Japanese port, and the proofs found in their baggage demonstrate beyond doubt that they were about to enter Chinese employment for a particular purpose eminently inimical to Japan. We need not credit the invention with the terribly destructive powers expected of it, to understand that it was to Japan's advantage to detain the men, but whether the detention can be excused will depend upon French magnanimity. International Law, which must be upheld, seems to condemn the Japanese, and on that diplomatists will decide. If Japan be proven wrong doubtless she will offer all restitution in her power. She is the youngest entrant to equality with civilized nations, and should not be too harshly criticized. Her treatment of the Chinese now in Japanese territory, her care of the wounded and of prisoners, indicate that according to her lights she is most anxious to conduct the conflict upon the lines of civilized warfare. She cannot of course be permitted to offend with impunity, and her trespasses—if they be trespasses—against the Law of

Nations must be adequately atoned for. But she is engaged in a tremendous struggle and is entitled to the utmost consideration. Things which between European nations would mean war must be held of less vital consequences when perpetrated in ignorance and under a sense of right. At the same time it behoves Japan to be careful, and to show more recognition of Consular and Diplomatic officials than she appears to have done of late. International complications are becoming too numerous. There is the *Kowshing* affair, the abrogation of American jurisdiction on American ships, the *Gaelic* incident, and the *Sydney* violation. These involve disputes with three formidable powers, unless Japan's statesmen adopt a different tone from that which her newspapers affect. That her statesmen will treat these matters with all the seriousness their gravity requires we most earnestly believe, and in that case all undue friction will be avoided. But whatever the outcome, it is natural that all residents here will await the issue with keen expectancy, and, we hope, discreet impartiality. France may be relied upon to uphold the honour of her flag, but Japan also has rights which demand respect. Until competent judges have decided the point it would be unfair to jump too speedily to conclusions. Let then patience wait upon indignation and fairplay upon both.

The Japan Daily Mail.

YOKOHAMA, THURSDAY, NOVEMBER 8, 1894.

THE "SYDNEY" AFFAIR.

MESSRS. HOWIE and BROWN, two gentlemen of British extraction, apparently, but claiming American citizenship, saw in the present war between China and Japan an opportunity to enrich themselves. One of them had served in the Brazilian navy, and both thought that they possessed a secret for employing torpedoes in such a manner that the annihilation of a hostile fleet could be compassed with ease and certainty. They approached, or were approached by, an agent of the Chinese Government, and in the sequel of negotiations it was agreed that, in consideration of a payment of one hundred thousand dollars, the two experts should hire their destructive services to the Middle Kingdom. Passage was taken for them to the Far East in the Oriental and Occidental steamer *Gaelic*, and they arrived in Yokohama on the 2nd of November. Of course they would gladly have selected a route that did not oblige them to set foot upon the soil of the empire whose ships they were about to blow up. But expedition being a prime object, they could not spare time to travel round by Europe and India. Unable, under the circumstances, to avoid visiting Japan *en route*, they naturally sought to abbreviate the period of their sojourn there as much as possible. To continue their voyage by the *Gaelic* involved remaining in Yokohama from the 2nd of November until the 5th, whereas by transferring themselves to the Messageries Maritimes steamer *Sydney*, they saw a means of continuing their journey on the 3rd. Accordingly, they engaged passages in the *Sydney*, and, still accompanied by their Chinese friend, steamed safely out of Yokohama harbour after a delay of only one day. Meanwhile, however, information having reached the Japanese Authorities, and it being understood that the two "agents of destruction" were about to continue their voyage Chinawards in the *Gaelic*, steps were taken to search that vessel on the eve of her departure from Yokohama. The search proved, of course, unsuccessful so far as the detention of the men was concerned, but it established the fact that they had proceeded by the *Sydney*, which steamer was then lying in Kobe, one of her ports of call. A telegram to Kobe set the necessary machinery in motion there. The *Sydney* was visited and searched, and the two men, together with their Chinese companion, were arrested, the contract under which they sold their services to the Chinese for the purpose of destroying Japanese men-of-war being found in their possession.

In all these proceedings the Japanese Government acted within its rights as a belligerent. The searching of either the *Gaelic* or the *Sydney* being unquestionably permissible on the high seas, was still less open to query within the territorial waters of the Japanese empire. It is alleged that, in the *Sydney's* case, the operation was conducted in the face of Consular protests. We must decline to believe anything of the kind. The exercise of an immemorially acknowledged belligerent right can scarcely have provoked the opposition of intelligent and responsible officials. Had contraband of war been discovered in either the *Gaelic* or the *Sydney*, the ship would have been confiscable as well as the article. But in this instance not goods but passengers were in question, and some critics appear to think that a hard and fast line is drawn by international law between contraband of war carried in a neutral bottom and passengers travelling by a neutral ship. The case of the *Trent*, for example, has been cited as proving that the neutral flag covers passengers under all circumstances. But the case of the *Trent* is not apposite. What is established is that civil servants of a belligerent, proceeding in a neutral vessel from a neutral port to a neutral port, can not be taken forcibly from that vessel on the high seas by another belligerent. The conditions in the case of the *Sydney* are radically different. There we have the military employés of a belligerent travelling by a neutral vessel from a port in the territory of one belligerent to a port in the territory of the other. No precedent exists to regulate the procedure under such conditions. But precedents become superfluous where first principles are involved. It would be an outrage upon reason to suppose that military experts who had hired their services to a country's foes for the stipulated purpose of destroying her vessels of war, must be suffered to pass unmolested on their destructive mission

through her territory simply because a neutral carrier undertakes to transport them. Such a contention is manifestly untenable on the face of it. Allusion, though apparently superfluous, may also be made to a claim advanced in certain quarters, namely, that in view of the extraterritorial system existing in Japan, the warrant of a Consul should have been obtained before proceeding to the arrest of Messrs. HOWIE and BROWN. That claim betrays strange confusion of ideas. The procedure appertaining to Consular Jurisdiction and the procedure sanctioned by belligerent rights are absolutely distinct.

Whether it was worth Japan's while to concern herself about Messrs. HOWIE and BROWN, we are inclined to doubt. Were the engine of destruction, of which they assert themselves inventors, capable of accomplishing much, they need not have travelled so far a-field to find a purchaser, nor would its value have been appraised so low as a hundred thousand dollars. We should be inclined to let such adventurers flock unmolested to China. But these are the reflections of irresponsible outsiders. After all, Japan's duty is to neglect nothing that makes for the success of her troops and the safety of their lives.

THE DETENTION OF THE "SYDNEY."

THE OBJECT OF THE SEARCH.

The Messageries Maritimes S.S. *Sydney*, which was to have sailed at 7 a.m. for Shanghai, via Nagasaki, was boarded this morning, says the *Kobe Herald* of Nov. 5th, at about a quarter to seven, as she lay alongside the Pier, by an armed party from the corvette *Tsukubakan*, who demanded the right to search the ship in consequence of a report having been received by the authorities from Yokohama to the effect that she has some articles contraband of war amongst her cargo, and also to institute an enquiry amongst her passengers. It was held by them that amongst some cargo transhipped from the *Gaelic* were munitions of war of some sort, although entered on the manifest as general cargo. Amongst the passengers from San Francisco appeared the names of Chung Moore and Jno. Brown, and after the search of the vessel had been sanctioned by the French Consul, the rooms of these two gentlemen were subjected to a rigorous search as also were those of two other American gentlemen whose names have not yet transpired. It appears that Mr. Chung Moore is a Chinese by birth but a naturalised American citizen who has been for years the official Secretary and Interpreter to the Chinese Legation at Washington, but who having failed in some Chinese Examination is now being sent home with a letter of recommendation to the Imperial Authorities "to give him active service." This document of course fell into the hands of the searching officers and he was at once put under arrest. Upon Mr. John Brown nothing of an incriminating nature was found or upon either of the other two Americans who were searched, but amongst the effects of Chung Moore were found some letters written by John Brown to the Chinese Legation, offering to sell them a secret, which if put into use would greatly benefit any belligerent power using it.

All four of the passengers implicated in the affair are under American protection.

In an interview with Mr. John Brown the following particulars of the affair were elicited:—

"I suppose there is nothing amongst your effects that would warrant the detention of the ship?"

"No. Nothing at all. The only articles that I possess that they might construe as being contraband of war I am carrying in my head."

"But have you any arrangement with the Chinese Government?"

"No, I simply communicated the particulars of my invention to the officials of the Chinese Legation at Washington who gave me some encouragement. I had previously offered it to the Japanese, but they had informed me in a cool manner that their country had been preparing for war with China for the past twenty years, and that they had all the modern appliances for warfare and men and brains enough in their country to make them."

"But how did your letters come to be in the hands of Mr. Chung Moore?"

"Well you see, he happened to be my fellow passenger in the *Gaelic*, and as he understands Chinese manners and customs better than I do, I thought he might help me to put my invention into the hands of the Government."

"But what are other Americans doing in the matter?"

"Oh well, they are just in the affair with me, that's all. It is only a matter of speculation you see, and it is possible that the Chinese won't have anything to do with my invention. The only thing I can't make out is how they got wind of me here at all. Certainly before I left the States the papers got wind of my intentions and mentioned the fact that I was coming to the East, but to stop them from spoiling my plans I changed my name to Holt and on coming aboard the ship I again altered it to John Brown. My real name is Wilde, and I am an Englishman by birth, but have been some years in the States and am a naturalised citizen"

In reply to a question as to what course he expected the Japanese Authorities to take, Mr. Brown said:—"Well they can't stop a man from travelling because he has got some ideas in his brains, and I guess the French will make a bit of a row about the detention of the boat. I'm more afraid of the passengers kicking me for getting the boat delayed, than I am of the Japanese."

DIPLOMATIC BUREAU
JAN 8 1895

Secretary has seen this
E.I.R.

No. 191

Bureau of Rolls & Library
MAR 1 1895
Department of State

INDEX BUREAU
REC'D.
DEC 10 1894
DEPT. OF STATE

Legation of the United States

Tōkyō, Japan, November 2, 1894.

Accompaniments (1) Japanese law
in Library. A.A.E.

Mr. Dun

To Interior
28 Feby 95 m

To Librarian of Congress
28 Feby 95 m

To the Secretary of State

Subject.

Protection of American patents in Japan

No. 191.

Legation of the United States
Tōkyō, Japan, November 2, 1894.

Honorable W. Q. Gresham
Secretary of State,
Washington, D.C.

Sir:

Referring to instruction No. 94 of date August 14th 1894, relative to the absence of protection in Japan for American patents, and directing me to report to the Department upon the subject with such suggestions as I "may find it convenient and "proper to offer", I have the honor to inform you that, since the receipt of the instruction, I have had several interviews with H. I. J. Ms Minister for

for Foreign Affairs, during which the question of protection of American patents, trade marks and copyright, was discussed, Viscount Mutsu reminded me that these questions had been a subject of correspondence between this Government and this Legation since 1880-, that while he was disposed to meet the wishes of my Government in all matters affecting the interests of American citizens in a spirit of friendly liberality, he did not see how, under existing conditions, the protection of Japan's patent, trade mark and copyright laws could be extended to foreigners; that without juris= =diction over foreigners in such

such matters Japan could not grant the protection sought: that before the protection of those laws could be extended to other than Japanese subjects, Japan must have the right to enforce their observance by all who sought their protection.

During the second interview with Viscount Mutsu, I made the following inquiry of him:-

If the negotiations now pending at Washington should result in the conclusion of a new treaty between the United States and Japan, and in the event that my Government should propose a supplemental clause or protocol to that treaty, granting

granting to Japan immediate jurisdiction over American citizens in Japan in all matters pertaining to patents, trade marks and copy-right in consideration of the protection of Japan's patent, trade mark and copy right laws being immediately extended to American citizens, would his government, in that event, be disposed to accept such a proposal on the part of my Government.

I informed the Minister that this was merely a suggestion on my part and that I was not authorized to commit my Government in any way, Viscount Mutsu seemed at first

first disposed to consider the suggestion very favorably, but a few days since he informed me that he was not yet prepared to give me a decided answer in regard to the matter, that so far as the matter concerned only the United States and Japan he would be perfectly willing to consent to an arrangement of the kind suggested, but as it might raise with some of the other great Powers undesirable discussion relative to the scope of the most favored nation clause in Japan's present treaties with those countries, he desired more time to consider the matter.

Upon the receipt of a definite reply from the Minister in regard

regard to my suggestion I shall, of course, at once inform you of it.

It appears to me that in the event of the conclusion of a new treaty the arrangement suggested would be a favorable one to the United States. The benefits that would result to Americans are obvious, while the disadvantages would be practically nominal or entirely sentimental. The principle involved in the surrender of jurisdiction would have been settled: the Japanese laws and regulations pertaining to patents, trade marks and copyright being codified, the

the penalties for infringements
of those laws are known. As it
is not in the least likely that
any American will ever violate
any of the Japanese laws governing
patents, trade-marks and copy-right,
the question of jurisdiction is
not an important one if that
of principle is not involved;
it would afford protection
in such matters to Americans
many years, perhaps, in advance
of the time the treaty itself would
come into operation.

I have the honor to enclose
herewith a book entitled,
"Administrative Regulations
"Promulgated by His Imperial
"Japanese Majesty's Government
"and

"and in force on the 18th day of
"the 12th month of the 18th year
"of Meiji (December 1st 1885).
in part II of which, from
page 55 to page 60 will be
found the "Patent Regulations"
of Japan. Page 61 to 69, the
"Trade Marks" regulations. Page
70 to 78, the "Copy-right-Regulations"
These regulations, with one or two
unimportant changes, are
now in force.

I have the honor to be

Sir,

Your obedient servant

Edwin Dun

Enclosure - Printed copy - Japanese
Laws re Patent, Trade Mark & Copy right.

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Dis

TELEGRAM RECEIVED. Cipher

Secretary of State. NOV 15 1894

From Tokio

November 14, 1894.

Gresham

Received M.

Washington.

Cable instructions received eighth; answer delayed by the absence of Japanese Minister for Foreign affairs. He will return to-night; expect answer to-morrow.

Sum.

Secretary of State.
NOV 15 1894

Copy.

TELEGRAM RECEIVED. Cipher

Index

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From Tokio

November 15, 1894.

Gresham

DIPLOMATIC BUREAU. Received M.

Washington. DEC 21 1894

Confirmed Dec. 22/94

There will be a meeting of the cabinet to morrow to determine answer relative to your cipher telegram November sixth.

Dun.

File

DIPLOMATIC BUREAU

DEC 10 1894

COPIED FOR CONGRESS.

No. 192.

INDEX BUREAU
REC'D.
DEC 10 1894
DEPT. OF STATE

Legation of the United States,
Tokyo, Japan, November 16, 1894.

Mr. Dun

to the Secretary of State.

Subject.

Readings of cipher telegrams.

No. 192.

Legation of the United States,

Tokyo, Japan, November 16, 1894.

Honorable W. Q. Gresham,

Secretary of State,

Washington, D. C.

Sir:

I have the honor to enclose herewith the readings of your cipher telegrams dated respectively the 6th and 13th instants and my telegraphic despatches of the 14th and 15th instants.

1 & 2

3 & 4.

I have the honor to be

Sir,

Your obedient servant

Edwin Dun

Enclosures

Enclosures:

1. Secretary of State to Mr. Dun. (Tel.) Nov. 6, '94.

2. " " " " " " (") " 13, '94.

3. Mr. Dun to the Secretary of State (Tel.) " 14, '94.

4 " " " " " " (") " 15, '94.

Enclosure 1. with Mr. Dun's No. 192

Reading of a cipher telegram received from the Secretary of State, November eighth , 1894.

"Washington, November 6, 1894.

"Nov. 6. Dun, Minister. Tokio.

"The deplorable war between "Japan and China endangers no policy of the United States "of America in Asia. Our attitude (towards) the "belligerents is that of an impartial and friendly "neutral desiring the welfare of both. If the struggle "continues without check to Japan's military operations "on land and sea it is not improbable that other Powers "having interest in that region may demand a settlement "not favorable to Japan's future security and wellbeing.

"Cherishing the most friendly sentiments of regard "for Japan, the President directs that you ascertain "whether a tender of his good offices in the interests "of a peace alike honorable to both Nations would be "acceptable to the Government of Japan.

"Gresham."

Enclosure 2 with Mr. DUN'S No. 194.

Reading of a cipher telegram received from the Secretary of State, November 14, 1894.

"Washington, November 13, 1894.

"Dun, Minister, Tokio.

"Have you received my cable "instruction November sixth.

"Gresham."

Enclosure 3 with Mr. Dun's No. 192.

Reading of a cipher telegram transmitted to the Secretary of State, November 14th, 1894.

"Tokio, November 14, 1894.

""November 14. Gresham, Washington.

"Cable instruction
"received eighth. Answer delayed by the absence of
"Japanese Minister for Foreign Affairs. He will return
"to-night. Expect answer to-morrow.

"Dun."

Enclosure 4 with Mr. Dun's No. 192.

Reading of a cipher telegram transmitted to the Secretary of State, November 15th, 1894.

"Tokio, November 15, 1894.

"November 15, Gresham Washington.

"There will be a "meeting of the Cabinet to-morrow to determine answer "relative to your cipher telegram November sixth.

"Dun."

DIPLOMATIC BUREAU.
DEC 17 [illegible]

2D ASSISTANT SECRETARY.
DEC 14 1894

No. 193.

INDEX BUREAU
REC'D.
DEC 10 1894
DEPT. OF STATE

Legation of the United States,
Tokyo, Japan, November 16, 1894.

Rec'd Dec 18 '94

Mr. Dun

to the Secretary of State.

Subject:

Release of the two passengers removed from the French steamer "Sydney."

No. 193.

Legation of the United States,
Tokyo, Japan, November 16, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

I have been informed by Mr. Hayashi, Vice Minister for Foreign Affairs, that Wilde and Howie, arrested on board the French steamer "Sydney" at Kobe on the 5th instant by the Japanese Naval Authorities, and held as prisoners of war, were released on the 12th instant on parole not

to

to engage in warlike service against Japan, nor to go to China during the present war. I have learned from another source that they were each presented with Yen five hundred to pay their expenses to the United States.

Mr. Hayashi said I would be furnished with copies of the papers siezed with these men, on which the arrest was made, but they have not yet come to hand.

I have the honor to be,

Sir.

Your obedient servant,

Edwin Dun

DEC18 1894

No. 194.

2D ASSISTANT SECRETARY.
Ack by subject & file.
DEC 18 1894

Secretary of State.
DEC 17 1894

COPIED FOR CONGRESS.

INDEX BUREAU
REC'D.
DEC 10 1894
DEPT OF STATE

Legation of the United States,
Tokyo, Japan, November 16, 1894.

DIPLOMATIC

DEC18 1894

Ack. 19 Dec. 94.

Mr. Dun

to the Secretary of State.

Subject:

Proposal of good offices by the President.

No. 194.

Legation of the United States,
Tokyo, Japan, November 16, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

Your telegraphic instruction of the 6th instant was received by me shortly after midnight of the 7th instant. Unfortunately Viscount Mutsu, H. I. J. M's Minister for Foreign Affairs had left Tokyo on that day for Hiroshima, in southern Japan, where the Emperor still is. On the morning of the 8th instant I called upon Mr. Hayashi, Vice Minister

for

for Foreign affairs, and informed him of the inquiry I was directed by the President to make and, in order that the Japanese Government should understand the nature of my instructions and the friendly and disinterested motives that prompted my Government to send them, I left with him a translation of your telegram for transmission by telegraph to Hiroshima, as an authoritative declaration of the disinterested and friendly neutrality of the United States and the entire absence of selfish interest to shape her policy towards Japan and China in this unhappy war.

Viscount Mutsu returned to Tokyo from Hiroshima with Count Ito, Minister

Minister President of State, the evening of the 14th instant. The next day I sought and obtained an interview with the Minister for Foreign Affairs at which he informed me that he had received at Hiroshima the reading of your telegraphic instruction to me; that while sincerely and highly appreciating the friendly sentiments expressed by the President for Japan, he could not reply to the inquiry I was instructed to make until after consultation with his colleagues in the Cabinet at Tokyo; for that purpose he and Count Ito had hastened their return to Tokyo; and that there would be a meeting

of

of the Cabinet to-day,— the 16th instant,— to determine upon what answer it would be proper for his Government to make. The Minister informed me that I would probably be furnished with that answer on the 17th instant. I infer from this that it will be necessary to submit the answer to the Emperor at Hiroshima.

Some weeks since the British Minister at this Court was instructed by his Government to sound the Japanese Government in regard to their willingness to accept the mediation of Great Britain for the termination of the war, on a basis of a guarantee by the Great Powers

of

Confidential

of the independence of Korea and the payment by China of the expenses incurred by Japan in connection with the war. After much delay, Mr. French, the British Minister, was given the following reply:

"The Imperial Government fully "appreciate the friendly motives which "prompted the inquiry of Her "Britannic Majesty's Government.

"Thus far Japan's arms have been "attended with complete success; "nevertheless the Imperial Government "are inclined to think that, in the "present stage of the war, affairs "have not made sufficient progress "to insure a satisfactory result of "negociations. The Imperial

Government

Confidential

" Government cannot but refrain
" from expressing at this time
" their views as to the terms upon
" which the war could be terminated."

I venture to express the opinion that unless serious reverses should overtake her arms on land and sea, Japan will not feel disposed to entertain overtures of peace until she is directly approached by China, and that terms which might have been acceptable some months since, would not be favorably considered now.

Confidential

I have the honor to be,
Sir,
Your obedient servant,
Edwin Dun

INDEX BUREAU
REC'D.
DEC 27 1894
DEPARTMENT OF STATE

COPIED FOR CONGRESS.

Dip Telegram

Tokio Dec 17, 94

Gresham

Washington

Japanese Minister for Foreign Affairs requests in the event of China desiring to approach Japan upon the subject of peace it shall be done through the Legation of the United States at Peking.

Dun

Dip.

Tokio Nov 17, 94.

Gresham

Washington

COPIED LC CONGRESS

Japanese Minister for Foreign Affairs handed to me the following today.

"The Imperial Government do not fail in appreciation of the amicable sentiments which induced the government of the United States to tender their good offices in the intered of peace between Japan and China. The ~~unexceptionable~~ unusual success which has thus far during the conflict attended the arms of Japan would seem to relieve the

Imperial Government of the
necessity of invoking the
cooperation of friendly
Powers to bring about a
cessation of hostilities. The
Imperial Government have
no wish to press their victories
beyond the limits which will
guarantee to them the just and
reasonable fruits of the war.
Those limits cannot
however be said to have
been reached until China
finds herself in position

to approach Japan di-
rectly on the subject of
peace.

Dunn

P. P.

15.

TELEGRAM RECEIVED.

From Tokio,

Confirmed Dec 1st, 1894

Nov 24, 1894

Received 12.18 P. M.

Gresham,

Washington.

NOV 24 1894

British Admiral telegraphs Port Arthur taken by storm 22 instant

Oyama

INDEX BUREAU
REC'D.
DEC 27 1894
DEPT. OF STATE

COPIED FOR CONGRESS

Dep

Telegram Ciphr

Tokio November 26

Gresham

Washington

Ovatures for peace
made by China through
our legations. Japan has
replied. Japanese Minister
for Foreign Affairs earnestly
requests that every com-
munication will be kept
secret and confidential.

Dun

DIPLOMATIC BUREAU
DEC 21 1894

Legation of the United States,
Tōkyō, Japan, Nov. 28th 1894.

INDEX BUREAU
REC'D.
DEC 20 1894
DEPT. OF STATE

2D ASSISTANT SECRETARY.
Grant.
Inform Mr. Dun. See his
no. 196, of Nov. 29.
DEC 21 1894

Mr. Whitney
To the Secretary of State

Subject. Dun

Request for leave of absence to visit the United States.

Legation of the United States,
Tōkyō, Japan. November 28. 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to request leave of absence for sixty days from March next or thereabouts, with permission to visit the United States, and agree, if the leave be granted, to provide at my own expense, a substitute approved of by the Minister for the period of absence.

I have the honor to be, Sir,
Your obedient servant
Willis Norton Whitney

To Rev. John Kimber
Dec 26.

No. 195.

DIPLOMATIC BUREAU.
DEC 22 1894

INDEX BUREAU
REC'D.
DEC 28 1894
DEPT. OF STATE

Legation of the United States,
Tokyo, Japan, November 28, 1894.

Mr. Dun
to the Secretary of State.

Subject:
Tenure of real property acquired by Missionary Societies in Japan.

No. 195.

Legation of the United States,
Tokyo, Japan, November 28, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:-

Referring to instruction No. 69, of date the 22nd of June, 1894, enclosing copy of a letter from the Reverend Joshua Kimber, Associate Secretary of the Domestic and Foreign Missionary Society of the Protestant Episcopal Church, complaining that in all places in the Japanese Empire, other than in the

Foreign

Foreign Concessions in Osaka and Tokyo, the tenure of real property acquired by the Society in the progress of its mission work is very indefinite and uncertain, and directing me to report upon the subject.

In this connection I have the honor to enclose herewith eight papers bearing upon the subject. as follows:

1. Precis of an interview with Mr. R. Masujima, Barrister at Law.

2. Copy of written opinion of Mr. R. Masujima, Barrister at Law.

3. Copy of Memorandum of Rev. Joshua Kimber, Associate Secretary of the Domestic and Foreign Missionary

No. 195. II

Missionary Society of the Protestant Episcopal Church.

4. Copy of Declaration and Covenant between the Registered Trustees of the Meiji Gakuin and the Representatives of the United Missions

5. Copy of a letter from the Rev. Dr. D. C. Greene to Dr. W. N. Whitney, Interpreter of this Legation, dated Nov. 12, 1894.

6. Questions to which replies were requested from H. I. J. Ms. Vice Minister for Foreign Affairs.

7. Replies by Department for Home Affairs to questions 4 & 5 relating to real property held by Buddhist and Shinto Temples.

8

8. Translation of amended draft of the Civil Code (Passed by the Law Investigation Committee of the Department of Justice.)

M. A. Masujima, whose views on this subject are set forth in papers 1 and 2 herewith, is a lawyer of recognized ability and standing in Japan. His opinion, therefore, on the subject of this report is entitled to consideration. Mr. Masujima expresses the opinion that "a school or any other body "religious, charitable, educational, "or otherwise", can be incorporated by observing the formalities prescribed by that part of the Commercial Code of Japan now

in

in force relating to companies limited by shares. Mr. Masujima says, however, that "no incorporation of "any non-tradal corporation has "hitherto been attempted. An attempt "on the part of such an association "to be so incorporated would be "a novelty in the history of Jap- "anese institutions."

If Mr. Masujima is correct in his opinion, it would seem to be feasible to make the tenure of property of foreign Christian missions held in Japan outside of the foreign Concessions perfectly secure by transferring it to a native Christian association organized into a corporation under the existing laws

of

of Japan.

But under those laws could an association of the kind indicated be incorporated and recognized?

The replies of the Department for Home Affairs to my inquiry upon this point - Enclosure 7 - seem to answer that question in the negative. The reply to question 4 says: "As Shinto and "Buddhist temples are recognized as "having the legal standing of "juristic persons, under edicts and "common and civil laws, land "belonging to them can, therefore, "be held as such in their own "names." Reply to question 5 says: "as there are no regulations

which

"which secure to Christian Churches
"the holding of real property in
"such capacity, and as they are
"not permitted to do so by common
"or civil law in the capacity of
"juristic persons, they cannot hold
"land in their own names as
"Christian Churches."

That part of the Civil Code of Japan not yet in force - Enclosure 8 - providing for the legal recognition and standing of "religious, scientific, "art personal corporation (universitas "personarum) or other corporation for "the benefit of the public", embodies rules and regulations for the organization, government and protection

protection of such associations in their property rights as juristic persons recognized as such by the proposed new Civil Code. This new Code does not seem, as claimed by Mr. Masujima, to simply give rules for the guidance and better organization and control of associations already recognized by the laws of Japan as juristic persons, but within itself provides for that recognition and gives standing and protection to non-tradal associations that does not obtain in the laws now in force.

If such is the case it would seem that, under existing laws, the tenure of real property of

Christian

Christian Churches in Japan can be one only of trust and, therefore, must be unsatisfactory and insecure.

It appears to me that the only remedy for this unsatisfactory condition is that which the promulgation of Chapter II of the Civil Code will bring. The time for this Chapter of the Civil Code to come into force has been fixed for 1896.

As the time is not distant - two years - when it will be possible for the Domestic and Foreign Missionary Society of the Protestant Episcopal Church to obtain secure tenure of their real property in Japan, I have the honor to suggest the advisability of refraining from any attempt to

Change

change existing conditions until that time arrives.

The translation herewith — enclosure marked 8 — of Chapter II of the Amended draft of the new Civil Code was made in this office. It differs perhaps in phraseology from that which will obtain in the official translation when the latter is made, but I am confident that it is correct in the meaning conveyed.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosures:

1. Precis of an interview with Mr. Masujima
2. Written opinion of Mr. Masujima

No. 195. IV

3. Memorandum of Rev. Joshua Kimber.
4. Declaration of Covenant. Meiji Gakuin.
5. Letter. Dr. Greene to Dr. Whitney.
6. Questions submitted to Minister for For. Affairs.
7. Replies from Home Department.
8. Draft of new Civil Code.

Enclosure No.1 with Mr. Dun's No. 195.

Interview with Mr. R. Masujima Barrister at Law.

In the course of conversation, Mr. Masujima stated that the property of the American Episcopal Mission in Kyoto was held in the name of three Japanese clergymen. That effort had been made to have it officially registered as the property of an organized society in Japan but the local authorities suspecting that such a society might be controlled by foreigners refused to grant registration.

This apparent determination to prevent the registration of property held for religious purposes has partly been increased by rumors that the Greek and other foreign churches were about to or had already purchased large tracts of land in the Holy City (Kyoto) for such religious propagandism. Mr. Masujima thought that the local authorities had exceeded their authority in going behind the statement contained in the usual application for registration of land by Japanese citizens, there being no provision for foreigners to hold land either directly or by proxy, and that land so held was of course at the risk of being sold for the debts of the nominal owners pro rata. He thought that it ought to be recognized as the property of a Japanese society duly registered as such. The Japanese registration officials in the above instance simply declined to recognize or register the property in the names of the three trustees as trustees of a certain Japanese Home Missionary Society. This Society was not a a registered corporation, and Mr. Masujima expresses

doubt

doubt as to any society not a registered corporation be ing able to hold property in the names of trustees as such. He would not say that they could not legally so hold property.

Enclosure No, 2 with Mr. Dun's No. 195.

Opinion of Mr. R. Masujima, Barrister-atLaw.

Questions have been submitted to me as to (1) whether there is any method under the present law of Japan by which real property can be held in trust for educational religious, or charitable pupposes by one or more individuals, so that (a) the property shall not be liable for the debts or other personal liabilities of the trustees, and (b) the trust shall be enforcible at law ; (2) whether there is any method by which an association can be organized into a corporation for such purposes as aforesaid, and (3) what are the provisions on these points of the proposed new Civil Code?

First.-- The holding of property for such purposes has been arranged in many cases to stand in the name or names of one or more individuals as trustees by entry on the registry of real property of these individuals as trustees together with the conditions of trust. It is thought that such registration is sufficient to bind the public by notice, so as to oblige them to effect inquiries before they touch the property at all and also to protect the estate from being taken to satisfy any private claims which may arise against the trustees individually. The trust so arranged is binding upon the trustees themselves as matter of agreement for them to discharge the conditions of trust so undertaken by them . All these relations will be enforced by the Japanese Court. The question simply is whether the public ought to be bound by notice of the registry of real property. I think they ought to be bound by it. I shall now explain the positions

of

of the different properties held by the Nippon Seiko-Kwai In the case of the Kyoto land first bought but afterwards sold, a declaration of trust executed with the attestation of a notary public was registered without difficulty

The second piece there bought, of which a similar declaration of trust was executed, was to have been registered in the same way : but some rumors, then current in Kyoto with reference to purchases said to have been made by some other foreign mission, deterred the registrars from effecting the registration of the document, they suspecting that the property was intended to be held for the benefit of foreigners. A strong protest was made and careful explanation was given to the officials in order to dispel such suspicion, for the document proposed to be registered contained nothing to warrant it; but they were not to be convinced. To compel the officials to effect the registration as desired, it would have been necessary to resort to legal proceeding; but it was thought not advisable to do so in a matter concerning the affairs of the church. The property now stands in the individual names of Mr. Chikashige, Mr. Shigarami, and Mr. Tagawa, as their joint property, and a declaration of trust on the property has been executed with the attestation of a notary public; but the circumstances above mentioned have prevented the names of the trustees and the conditions of trust from being entered on the record. Therefore the record of the title of this Kyoto property is not yet on a satisfactory footing.

The Maebashi property still stands in the individual names of Mr. Ogawa and Mr. Nishikawa, as at the time when

first

first bought by them. It should be transferred to trustees, and such transfer and declaration of trust should be recorded in the registry of real property in a manner similar to the arrangement proposed to be followed in cases of other trust property. The registration of the Kojimachi property contains the entry of such trust with the names of the trustees; but the declaration of trust was not registered, though it was executed with the attestation of a notary public.

Thus the second piece of land bought at Kyoto does not appear on the registry as trust property. The Maebashi property has not yet been transferred to trustees, nor has a declaration of trust for it yet been executed.

The Kojimachi property is the only estate which stands on a sound footing. With reference to the methods so far pursued, I would say that the property can be protected both as regards to trustees and their creditors, provided that the fact of its being held on trust appear on the record of the registry of real property. However, thus to register property is a somewhat expensive process, as all these steps have to be gone throuh every time on the purchase of each new piece of property. It would simplify the matter if the Nippon Seiko-kwai could be so organized as to enjoy a corporate existence. Then any property bought could be transferred at once to the name of the legal representative of the society. As things at present are, every vendor may object to have anything to do with a transfer to trustees of whom or whose duties as such they have no knowledge. The practice hitherto followed has been first to acquire property in the name of a nominal purchaser, and then to transfer it to

trustees in the manner above described. If the society is incorporated, the duties and obligations of its legal representative will be taken notice of by law and it will not be necessary to take any special steps to bind the public by notice.

Second.- Now let us see what can be done as to incorporation under the present law of Japan taking questions (2) and (3) together. Any trading body can be organized into a corporation by observing the formalities prescribed by that part of the Commercial Code relating to companies limited by shares; such a company being defined to be " one whose liabilities are limited" by the extent of its corporate property." A company governed by this law may be described to be a body which is capable of holding its own property, is subject to its own rights and liabilities, and can sue and be sued in its own name. One of these provisions says that " a company limited by shares the object of which is not for trading purposes shall also observe the formalities hereby prescribed." It would seem from the above that a school or any other body, religious, charitable, educational, or otherwise can be incorporated by observing these formalities. The Civil Code which however has not yet been put in force, prescribes provisions for non-tradal associations. One of these previsions lays down that such an association can be organized into a corporation, if so desired and consented to by its members, on their observing the formalities of notification prescribed for commercial corporations. From this we may learn that it is intended by the proposed codes that a non-tradal association may be incorporated

incorporated if its members so wish. Various rules are prescribed for such a non-tradal corporation with reference to its organization and government, viz, the mode of managing its property and affairs, the appointment of its officials and trustees, their duties and liabilities, the mutual rights and duties of its members, etc. But these are not intended to be hard and fast rules ; they are meant only to indicate the general principles which each corporation must conform to. Irrespective of the Civil Code being or not being yet in force, the details of such matters will always have to be settled solely by the agreement of the members composing the corporation in question . I have therefore come to the conclusion that any association can be incorporated if it fulfills the formalities of notification required to be observed by trading corporations.

To effect such incorporation, permission must be obtained from that department of state under whose control the object of the association falls. There must be at least seven promoters. The corporation must have its registered seat. It must have its corporate seal with the corporate name inscribed thereon. The corporate name must embody in itself the words "Kabushiki-Kwaisha" meaning "company limited by shares" ; for instance, the Nippon-Seiko-Kwai would have to be called "the Nippon-Seiko-Kwai Kabushiki-Kwaisha". It must have a memorandum and article of association like any other company limited by shares. These documents must provide for such ordinary matters as are generally embodied in them in the case of tradal corporations. For instance, rules relating to general meet-

ings,

meetings, shares and transfer of shares, auditing of accounts, inspection of books, etc: It is thought, however, that some restraint can be placed on the transfer of shares ; for as has been explained above, all details can be settled by the joint wish of the members and shares are after all only a mode of defining the liabilities of members between themselves and vis-a-vis the corporation composed by them ; and whether the shares of a corporation, (at any rate of a non-tradal corporation) as are transferable or not, does not affect the essential fact that its liability is limited. It is not necessary for the purpose of such an association that its shares should be bought or sold in the market. If a non-tradal association takes advantage of the process of incorporation, this need only be done for the purpose of limiting its liability to the extent of its corporate property, and to separate its corporate existence from that of the individual members composing it.

No incorporation of any non-tradal association has hitherto been attempted. An attempt on the part of such an association to be so incorporated would be a novelty in the history of Japanese institutions.

It is hoped that the above will indicate the general aspect of the subject, and furnish satisfactory answers to the questions asked. Further details can be given if desired.

Signed R. Masujima

Barrister at Law.

Tokyo November 24th, 1893.

Enclosure No.3 with Mr. Dun's No. 195.

Memorandum.

I have been shown the written opinion of Mr. R. Masujima, Barrister at Law, in which he says:

"Questions have been submitted to me as to (1) whether there is any method under the present law of Japan by which real property can be held in trust for educational, religious or charitable purposes by one or more individuals, so that (a) the property shall not be liable for the debts or other personal liabilities of the trustees, and (b) the trust shall be enforcible at law; (2) whether there is any method by which an association can be organized into a corporation for such purposes as aforesaid and(3) what are the provisions on the points of the proposed new Civil Code ?."

Mr. Masujima says that such holding "has been arranged in many cases to stand in the name or names of one or more individuals or trustees by entry on the registry of real property of these individuals as trustees together with the conditions of trust"

He seems to hold that this binds the trustee to the fulfillment of the trust.

Quere: Does it bind and conclude the heirs of the trustees or their creditors ?

He says he thinks "the public ought to be bound by notice of the registry of the real property".

He then gives a general sketch of the tenure of the different pieces of real property held by our board and shows that there is no registry in some cases.

His conclusion is not satisfactory. Mr. Masujima says

"The Kojimachi property is the only estate which stands on a sound basis."

He further says " With reference to the methods so far pursued, I would say that the property can be protected both as regards to trustees and their creditors, provided that the fact of its being held on trust appear on the records registry of real property. However, thus to register property is a somewhat expensive process, as all the steps have to be gone through every time on the purchase of each new piece of property. It would simplify the matter if the Nippon Seiko-kwai could be so organized as to enjoy a corporate existence . Then any property could be transferred at once to the name of the legal representative of the Society. As things at present are, every vendor may object to have anything to do with the transfer to trustees of whom or whose duties as such they have no knowledge." Mr. Masujima then discusses, in a very general way the question whether the aim of the Board to secure its Japanese real property can be attained under the present law of Japan, by the incorporation of " a non-tradal association". He concludes as follows : "No incorporation of any non-tradal association has hitherto been attempted. An attempt on the part of such an association to be so incorporated would be a novelty in the history of Japanese institutions."

No articles of incorporation are sketched out by Mr. Masujima. His whole paper confirms the information which we have previously received of the very unsatisfactory nature of the tenure of our real property in Japan.

It is well to read Mr. Masujima's opinion in the light

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of the information conveyed to us by the Right Rev. John McKim, Bishop of Tokyo, in his letter of the 14th of December last to this Board.

After referring to the very stringent act against holding real property by or in trust for foreigners which was then (or about to be) before the Japanese Imperial Parliament- the passage of which act was prevented by the dissolution of Parliament- he says; "You are of course, aware of the unsatisfactory way in which all of our mission property outside of the Foreign Concession is held. Under present Japanese law aliens are not permitted to lease or own property outside of certain defined limits. Property purchased by our mission in Kyôtô, Maebashi, and in Tôkyô outside of Tsukiji is all held in the name of Japanese in whom we have confidence. At the very best, we are not secured against alienation . The property is liable for debts incurred by these Japanese, and in the event of their death may be claimed by their heirs. The plan for the holding of property, proposed to Bishop Hare by Mr. Masujima and embodied in a Deed of Trust drawn up by him, is said by other legal authorities to have no status under Japanese law.

The proposed act, mentioned above makes the position of a Japanese holding property for us a very embarrassing one."

The Committee recommend the adoption of the following resolution :

" Resolved that the Secretary of this meeting be authorized and requested to communicate, on behalf of this Society, with the Secretary of State of the United States

of

of America, respectfully calling attention to the fact, that in all other places in the Japanese Empire than in the Foreign Concessions at Ōsaka and Tōkyō, the tenure of the real property which we have purchased is very indefinite and uncertain; stating that while we are anxious not to violate or evade any Japanese law, we are also very desirous that real property acquired by the Society outside of the Foreign Concessions, in the progress of its mission work, may be secured to it ; and courteously asking the Secretary of State to confer, on this matter, with the Japanese Government, in such mode and at such early date as to him may seem best.

The foregoing recommendation was adopted.

(A true copy)

Signed Joshua Kimber,

Associate Secretary.

Enclosure No.4 with Mr. Dun's No. 195.

Declaration and covenant between the Registered Trustees of the Meiji Gakuin and the Representatives of the United Missions.

THIS Declaration and Covenant, made by the parties subscribing hereto this seventh day of August 1890, in conformation and furtherance of a certain agreement, made and executed on the 24th day of February 1888 between the Trustees of the Meiji Gaku-in, consisting of Rev. Kajinosuke Ibuka, Rev. Motoichiro Ogimi, Ayao Hattori, Sanjuro Ishimoto, Rev. Masahisa Uemura, Yushichi Kumano and Nobuyuki Nakajima, therein and hereinafter known as the parties of the first part, and Dr. Guido F. Verbeck, Rev. Theodore M. Macnair, Rev. Hough Waddell, Rev Howard Harris Dr. J. C. Hepburn, Dr. James L. Amerman and John C. Ballagh, representing the Council of the United Missions, consisting of five missions as therein enumerated, and thereinand hereinafter known as the parties of the second part, whereby it appears that there are twenty three lots of ground with buildings thereon therein specified as situated in the province of Musashi Ebara Gun, Shirokane Mura, which have been purchased by the parties of the first part as therein described on behalf of and as trust-ees for the Meiji Gaku-in, wherein certain provisions were made for the execution of such trust ; witnesseth, that whereas it has been agreed, for the better and more assured carrying out of said trust, that Rev. Kajinosuke Ibuka, Rev. Masahisa Uemura, Sanjuro Ishimoto and Rev. Naomi Tamura shall become thetrustees hereinafter known a

as

as the Registered Trustees and hold the legal title of said land and the buildings now thereon, which have hitherto appeared on the registry in so far as the same have been registered in the sole name of Rev . Kajinosuke Ibuka together with legal title to all buildings that may hereafter be erected thereon, and that the said land and buildings shall hereafter appear at the registry of land according to the laws of Japan, in the names of said registered trustees and in their capacity as such, and such transfer and registration having been effected by a certain conveyance of even date herewith made between Rev. Kajinosuke Ibuka of the one part and the registered trustees of the other part,it is hereby jointly and severally agreed and declared, with and to the parties of the second part and each of them, by each of the registered trustees for himself, his heirs, executors, administrators, representatives and assigns, as follows: I.That the registered trustees shall and do hold and possess the said premises, not as tenants in common, but as joint tenants with the right of survivorship therein, so that all or any survivers or survivor of them shall be entitled to carry out and effectuate the intention of the said trust by and under the direction of the Board of Directors of the Meiji Gaku-in and there shall be no right, title or interest on said premises which shall decend or pass to his heirs, executors, administrators, representatives or assigns uppn the death or disability of any of said trustees. II. That the registered trustees hereby take upon and bind themselves in all the acts, covenants, undertakings, things and matters which have

either

either hitherto been, or which may hereafter be, effected, entered into, done or executed in the name or on behalf of the Meiji Gakuin or in connection therewith by the board of directors thereof, or by any one thereunto duly authorized, as if the same were effected, entered into, done or executed by the registered trustees for the use of the Meiji Gaku-in. III. That the registered trustees shall not sell, mortgage or dispose of said premises or any part or interest therein for their own use or gain and except for the use or gain of the Meiji Gaku-in and at the request and direction of the board of directors thereof or their successors or successor in office, and said trustees shall not do any acts, things or matters whatsoever contrary to these presents or their duty thereunder, and any and all acts, matters or things that may hereafter be resolved upon or directed by the board of directors of the Meiji Gaku-in shall be promptly effected, entered into, done, and executed by said registered trustees in accordance with such resolution or direction, IV. That, if at any time by reason of death, retirement, disqualification for the membership of the board of directors of the Meiji Gaku-in or any other disability, the number of registered trustees shall be reduced below their original number, then and in that event the survivors or survivor thereof shall execute all and every as many conveyances as may be necessary or may be desired by the board of directors of the Meiji Gaku-in, or their successors in interest, to vest anew the legal title to the said premises in such new or additional registered trustees or other person or persons as may be named by the said board, and this the registered

trustees agree to do whenever and as often as the occasion or necessity therefor may, in the opinion of the said board, arise ; and with reference thereto the registered trustees agree to be guided and controlled entirely by the wishes of the said board or their successors in interest. V. That the registered trustees shall do all things that are, or may be, necessary for the effectual carrying out of these presents and the realization of the intention thereof : and they shall make good the loss, if any, arising from any delay or neglect on their part, in fulfilling their duties or agreements hereunder. In witness whereof we the registered trustees have hereto set our hands and seals on this seventh day of August 1890, A. D. being the twenty-third year of Meiji.

(sgd) K. Ibuka. (seal)

To witness the signature (sgd). R. Masujima (seal)

(sgd) S. Ishimoto (seal)

To witness the signature (sgd) R. Masujima (seal)

(sgd) Jno. C. Ballagh

Naomi Tamura (seal)

To witness the signature William Imbrie.

(sgd) Masahisa Uemura (seal)

To witness the signature, Jno. C. Ballagh.

This is to witness that as the Rev. Naomi Tamura, one of the registered trustees mentioned in the foregoing Declaration and Covenant, has resigned, a transfer of trusteeship has this day been made from Rev. Kajinosuke Ibuka, Rev. Masahisa Uemura and Sanjuro Ishimoto, and Rev. Naomi Tamura to Rev. Kajinosuke Ibuka, Rev Masahisa Uemura and Sanjuro Ishimoto, thus constituting the above named Rev. Kajinosuke Ibuka, Rev. Masahisa Uemura and

Sanjuro Ishimoto registered trustees in accordance with the terms of the foregoing declaration and covenant, and the said transfer has been legally registered at the Shiba-ku Saibansha,

May 31st 1894.

(sgd) Kajinosuke Ibuka (seal)

Witness to the signature (sgd) M. N. Wyckoff.

(sgd) Masahisa Uemura.

Witness to the signature (sgd) M. N. Wyckoff.

Enclosure No.5 with Mr. Dun's No. 195.

Ichigaya, Tokyo,

November 12th, 1894.

Dear Dr. Whitney:

Your note of same date is at hand. You ask how the Doshisha property is held and whether any part of the property is considered as belonging to the American Board. As to the second question, to answer that first, I may say that the Board holds no property in the interior. Until about 18 months ago the houses of the professors in the Doshisha were looked upon by us as practically the property of the Board, although not legally so : but neither we or the Japanese interested so consider them now. They consider that the money invested in these houses was given for the sake of securing homes for the foreign instructors, but they claim that the property is as truly the property of the Doshisha as any part of its endowment andboth the mission and the Board concede this.

The Doshisha is held by a board of ten (I think) trustee all of whom are Japanese, This is a self perpetuating body suberdinate to us outside parties. By courtesy these missionaries are allowed to sit as consulting members of the board of trustees, but they cannot vote.

The endowment of the institution, aside from the buildins books and apparattus amounts to about 150,000 yen all of which was given directly to the Board of Trustees, though it is stipulated that about 10,000 dollars gold shall be invested under the care of the American Board.

Even in this case the donor gave the American Board no

right

right to control the income. The Board furnishes a certain number of teachers without charge and a small subsidy. The only hold we have upon the institution lies in our power to withdraw their teachers and this subsidy, should the general management be unsatisfactory. As regards houses and lands elsewhere in the interior occupied by our missionaries, they are for the most part also the property of the Doshisha. We pay a small rent, the balance of which after paying taxes, is subtracted from the subsidy mentioned above. It is understhod that our missionaries shall be allowed to occupy them, if provided with residence passports for the term of thirty years when both land and houses will pass to the hands of the Doshisha as a part of the endowment of the Theological Deaprtment.

In one or two cases, a similar arrangement with a local institution is in force.

If our teachers should be withdrawn from Kyoto, the Doshisha trustees would consider themselves at liberty to, sell the houses and lands and use the funds as a part of the endowment. This right they, as I have said distinctly claim, not merely in informal conversation, but in their formal communications to the mission.

I shall be ready at any time to give further information if desired.

Yours very truly

Signed D. C. Greene.

Enclosure No.6 with Mr. Dun's No. 195.

Questions to which replies were requested from the Vice-Minister for Foreign Affairs.

(1) Under the present law of Japan, can real property be held in trust for educational, religious or charitable purposes by one or more individuals, so that (a) the property shall not be liable for the debts or other personal liabilities of the trustees, and (b) the trust shall be enforcible at law?

(2) Whether there is any method by which an association can be organized into a corporation for such purposes as aforesaid?

(3) What are the provisions on these points of the proposed Civil Code ?

(4) How are the grounds belonging to Buddhist and Shinto temples held in Japan, are they held by the head of the sect as his personal, official or hereditary property, or as the property of the sect, or are they held by trustees?

(5) Can the lands of Christian Churches be held in the same manner as Buddhist or Shinto temple lands ?

Enclosure No. 7 with Mr. Dunn's No 195.

(Translation)

Replies by the Department for Home Affairs to Questions Nos. 4 and 5 relating to real property held by Buddhist and Shinto Temples.

No. 4. As Shinto and Buddhist temples are recognized as having the legal standing of juristic persons under edicts and common and civil laws, land belonging to them can, therefore, be held as such in their own names.

No. 5. As there are no regulations which secure to Christian Churches the holding of real property in such capacity, and as they are not permitted to do so by common or civil law in the capacity of juristic persons, they cannot hold land in their own names as Christian Churches.

The following are the principal laws relating to the standing of Shinto and Buddhist temples.

(a). Regulations regarding the land and buildings possessed by Buddhist Temples. -Council of State Notification No. 89, March 1874.

(b). Regulations regarding the disposal of ancient relics, furniture etc., preserved in Shinto and Buddhist Temples--Council of State Notification No. 249, July 1874.

Regulations regarding land and buildings donated to Shinto and Buddhist Temples- Council of State Notification No. 54, April 1877.

Regulations regarding money and grain borrowed by Shinto

and

and Buddhist Temples. Council of State Notification No. 43, May 1878.

Regulations regarding the special management of Government forests, wild lands and products. Imperial Decree No. 69, April 1891.

Regulations regarding the delivery of Government forests belonging to Shinto and Buddhist Temples in trust . Departmental Order No. 5 of the Department of Agriculture and Commerce, April 1892.

Enclosure No. 8 with Mr. Dun's No. 165.

Amended Draft of the Civil Code (Passed by the Law Investigation Committee of the Department of Justice)

Book I. General Rules.

Chapter II. Juristic Person.

Section I. Creation of the Juristic Person.

Article 36.- The creation of a juristic person shall not be authorized except in accordance with the provisions of this or some other law.

Article 37.- Any religious, charitable, scientific or art personal corporation (universitas personarum) or other corporation for the benefit of the public, whose object is not pecuniary gain, can become a juristic person or corporation, upon obtaining permission from the proper official authority.

Article 38.- A personal corporation whose objest is gain can become a juristic person if the Commercial Companies Regulations be complied with. The provisions of the Commercial Companies Regulations shall all apply to the personal corporations mentioned in the preceding clause.

Article 39.-Foreign juristic persons or corporations, except as state, political division of a state or a commercial company, shall not be recognized. This recognition applies only to those recognized by law or treaty.

Foreign corporations authorized by the provisions of the foregoing clause shall have the same rights with corporations of the same class in Japan. This law is limited to cases when there are special provisions of law or treaties.

Article

Article 40.- Personal corporations shall make regulations in which the following shall appear :-

(1) Object.

(2) Name.

(3) Business office.

(4) Regulations respecting the acquisition or loss of capacity as members.

(5) Regulations regarding the capital.

(6) Regulations regarding the appointment or removal of officers, and their duties.

(7) Mode of calling general meetings and of voting.

(8) Limitation as to the period of existence of the corporation when the same is fixed.

(9) Determining to whom the property is to be returned or handed over upon dissolution, when it is necessary to determine the same.

Article 41.-The articles of association of the corporate juristic person shall, when there is no special provision therein contained, not be altered except upon the consent of three-fourths of the whole number of members; any member however who is not present at the general meeting may give consent by letter . Alterations of the articles of association have no effect unless sanctioned by the proper authority.

Article 42.-A real corporate juristic person (universitas honorum) shall define the following:

(a) Object of subscription.

(b) Property to be subscribed.

(c) Mode of appointment and removal of officers.

In case of the death of subscribers when the mode of appoint

pointment and removal of officers is not fixed, the manner of such appointment and removal shall be fixed by the court upon the request of those interested or by the public prosecutor.

Article 43.-When a real corporation is established by act of donation inter vivas the regulations respecting gifts shall be applicable.

When the act of establishing a real corporation by donation is performed by will the regulations respecting legacies shall be applicable.

Article 44.- If the act of establishing a real corporation by donation is performed inter vivas the donated property shall become the property of the juristic person from the time when the establishment of such a juristic person is officially authorized.

If the act of establishment of a real corporation by donation was performed by will, the property donated shall be considered to have belonged to the juristic person or corporation from the time when the will became effective.

Article 45.- The juristic person has rights and owes obligations within the limitation of its object as determined by law, the articles of association or act of establishment of the real corporation by donation.

Article 46.- The juristic person shall be responsible for damage to any one else through the manager or other representative while in the performance of their duties. When damage results to anyone else through action not within the limits of the object of the juristic person those members and managers who voted for the resolution in the matter as well as the managers who carried it out, or their representatives, shall bear joint and unlimited liability.

Art.

Article 47. A juristic person or corporation shall within 14 days following its establishment or creation, be registered in each place where it has offices.

If the creation of the juristic person or corporation is not registered in the place where the principal office is located it shall be without force as to other persons.

If after the establishment or creation of a juristic person or corporation new business offices are added the same must be registered within seven days.

Article 48.- In case of removal of the business offices registration of the same must be effected within seven days in the place where the old office was situated and within the same period registration must be effected as of a new juristic person in the new place. When removal takes place from one to another place within the district of the same office of record the removal only need be registered.

Article 49.- The registration must include the following items:

(1) Object.

(2) Name and place of business.

(3) Date of official permission for establishment.

(4) Period of continuance, when the same is fixed.

(5) Names of managers and their residences.

(6) Whole amount of capital.

(7) When there is capital the method of paying it in.

When anything relating to the foregoing clause is changed registration of the same must be effected within seven days. Changes made have no force as to other persons

before

before registration .

Article 50.- When any of the items which according to clause 1 of Article 47 and Article 49 require to be registered, also require official permission, the period within which registration must be effected shall count from the time when such permission is received .

Article 51.- The provisions of the third clause, Article 47, Articles 48 and 49 shall apply as well to a foreign juristic person or corporation when it has established an office in Japan. The period for registration of matters occurring abroad shall be computed from the time when information of the same was received. When a foreign juristic person or corporation first establishes its office in Japan, it shall have no force (legal standing) as to other persons until registration has been effected in the locality in which the office is situated.

Article 52.- It is necessary for a juristic person or corporation to have its own name and to establish an office for business. The place of residence of the juristic person or corporation shall be that in which its principal office is situated.

Article 53.- The juristic person or corporation at the time of creation and annually thereafter within the first three months of the year shall make an inventory of property and keep the same on file. When a fiscal year is observed the inventory shall be made out at the end of that time. A personal corporation shall keep a list of its members and shall correct the same whenever any change takes place.

Section II. Management of Juristic Persons or Corporations.

Article 54.- The juristic person or corporation must have a manager. When there are a number of managers matters regarding the administration of the juristic person shall be decided by a majority of the managers if there is no provision to the contrary in the articles of association or act of establishment by donation.,

Article 55.- The managers shall represent the juristic person or corporation in all business and shall not be permitted to do anything contrary to the provisions of the articles o f association nor to the act of establishment by donation. As to a real corporate juristic person the decisions by vote of a general meeting must be followed.

Article 56.- Limitations imposed upon the manager's representative powers shall have no force upon a third party who has acted (in any transaction affected thereby) in good faith.

Article 57.- A manager may appoint another person as representative for a special action, unless prohibited from so doing by provisions of the articles of association, act of establishment by donation or a resolution of a general meeting.

Article 58.- In case of the absence of the manager and there is danger of injury arising by such absence, the court shall upon the request of the public prosecutor or any interested person, select and appoint a temporary manager.

Article 59.-Concerning a matter in which the interests

of

of the juristic person and manager are opposed to each other the latter has no right of subrogation. In such a case, a special substitute should be appointed in accordance with the provisions of the preceding article.

Article 60.- The juristic person may in accordance with the articles of association, act of establishment by donation, or resolution of a general meeting, appoint one or more inspectors.

Article 61.- The duties of the inspectors shall be :

(1) To examine into the actual condition of the property of the juristic person.

(2) To examine into the real condition of (or manner of conducting) the business by the managers.

(3) To make report to a general meeting or to the proper authority when upon examination anything irregular is discovered respecting the condition of the property or conduct of the business. For the purpose of presenting the report an extraordinary general meeting may be called.

Article 62.- The managers of a real corporate juristic person shall hold an ordinary general meeting of its members at least once a year.

Article 63.- The managers of a real corporate juristic person can convoke an extraordinary general meeting whenever they deem it necessary, and whenever one-fifth, at least, of the whole number of members shall request it, stating the object of meeting, an extraordinary general meeting shall be called. The number of members necessary to call such a meeting may be increased or diminished by the articles of association.

Article 64.- The convocation of a general meeting shall be in accordance with the mode fixed by the articles of

association; the object of meeting and matters to come before it shall be stated at least five days before.

Article 65.- All the business of the real corporate juristic person except that entrusted to the managers or to other officers by the articles of association shall be determined by the resolutions of a general meeting.

Article 66.- All members shall have equal rights as to voting except when it is otherwise specially provided in the articles of association.

Article 67.- With regard to a matter of action at law between a real corporate juristic person and any of its members the latter have no right to vote.

Article 68.- The proper official authority shall oversee the business of the juristic person and have official power to examine into the real condition of the business and property at any time.

Section III. Dissolution of the Juristic Person or Corporation.

Article 69.- A juristic person or corporation may be dissolved under the following circumstances :

(1) Occurrence of circumstances determined by the articles of association or act of establishment by donation .

(2) Accomplishment of the object of the juristic person, or when the attainment of that object is impossible.

(3) Bankruptcy.

(4) Cancellation of the permission for establishment [illegible].

In addition to the foregoing cases, dissolution shall take place under the following :

(1) [illegible]

(1). Decision of a general meeting.

(2) Insufficiency of members.

Article 70.- A real corporate juristic person except when specially provided in the articles of association cannot without the consent of at least three fourths of the whole number of members pass a vote of dissolution.

Article 71.-When a juristic person becomes unable to make payment in full the court shall upon the application of the managers or creditors make official declaration of bankruptcy.

Article 72.- When the juristic person engages in business outside of its object, or contrary to the authorized articles of establishment, or engages in anything that is to be deemed injurious to public good, the proper authorities may cancel the official permission.

Article 73.- The property of juristic persons which have been dissolved shall be returned to those persons authorized to receive it, either by the articles of association or by the terms of the act of establishment. When no persons to receive the property are determined by the articles of association or by the act of establishment by donation, nor any procedure of determining them, the managers shall dispose of the property upon obtaining permission of the official authority for an object of the same nature as that of the juristic person. In case however of a real corporate juristic person a resolution of a general meeting of the association shall be necessary. Property not disposed of in accordance with the provisions of the two preceding articles shall revert to the National Treasury.

Article 74.- A juristic person which has been dissolved shall during liquidation continue existence as a juristic person until liquidation is complete when the juristic person is dissolved.

Article 75.- Except in case of bankruptcy, the managers shall become liquidators;any other person may however be made liquidator when specially provided for in the artiles of association , by the act of establishment by donation or upon resolution of a general meeting.

Article 76.- When there is no one to become liquidator under the provisions of the proceding article and when it is deemed that the non-appointment of a liquidator will cause injury, the court may, upon the request of an interested person or the public prosequtor, upon its own motion, appoint a liquidator.

Article 77. A court of justice may on account of a grave reason, upon the request of any interested person or the public prosecutor or of its own motion dismiss the liquidator.

Article 78.- The liquidator except in case of bankruptcy shall within seven days after dissolution effect registration of his full name and address and the cause and date of dissolution, and in any case, must report the same to the proper authority.

The liquidator who is appointed during liquidation shall register his full name and address within seven days after appointment and shall make report of the same to the proper authority.

Article 79.- The duty of the liquidator shall be as follows.

(1) Closing up of present business.

(2) Disposal of assets and liabilities.

(3) The handing over of the remaining property.

The liquidator may take any action necessary for carrying out the duties imposed by the preceding clause.

Article 80.- The liquidator shall within 60 days from the day of appointment give public notice on at least three occasions to the creditors to induce them to present their claims within the fixed period which shall not be less than 60 days. In case of the public notice mentioned in the foregoing clause it should be added that if the creditors do not within the fixed period present their claims, such creditors shall lose their right in liquidation. Nevertheless when the creditors are known, the liquidator must endeavor to persuade them to make demand.

Article 81.- In case of application being made by creditors after the time mentioned in the preceding article, and after the debts have been satisfied, application may be allowed as to property which has not yet been handed over to the trustee in bankruptcy.

Article 82.- When in the course of liquidation, it appears doubtful to the liquidator that the property of the juristic person will prove sufficient to satisfy the liabilities, he shall thereupon, apply for an order in bankruptcy and give public notice of the same. When the liquidator has handed the business over to the trustee in bankruptcy, his duty shall cease. When the conditions of this article exist and payment has already been made to creditors or return made to the ultimate beneficiaries the trustee in bankruptcy may recover such.

Article 83.- The payment of expenses of dissolution or

liquidation

liquidation shall be a first charge upon the property in possession at the time.

Article 84.- The court shall oversee the distribution or liquidation of the juristic person and at any time may make official investigation of its actual condition.

Article 85.- When liquidation has been effected the liquidator shall report the same to the proper official authority.

Section IV - Penalty.

Article 86.- The managers, inspectors or liquidators of the juristic person shall in the following cases bear a penalty of not less than five yen nor exceeding two hundred yen.

(1) When registration required in this chapter is neglected.

(2) When contrary to the provisions of article 53 an inventory of property and register of members is not kept, or when any false entry is made therein.

(3) When the inspection required by articles 68 and 84 is prevented.

(4) When any false report is made to the official authority or to a general meeting, or when facts are concealed.

(5) When application for order of bankruptcy is neglected contrary to the provisions of articles 71 and 82.

(6) When the public notice required by articles 80 and 82 is neglected, or false public notice is given

Article 87. The penalties connected with the previous article shall be article

article shall be imposed by an order of the court, but an immediate protest may be made against such order.

No. 196.

DIPLOMATIC BUREAU,
DEC 21 1894

Legation of the United States,
Tōkyō, Japan, November 29. 1894.

INDEX BUREAU
REC'D.
DEC 26 1894
DEPT. OF STATE

2D ASSISTANT SECRETARY.
Ack, granted.
aag
DEC 21 1894

Mr. Dun

To the Secretary of State

Answd Dec. 27

Subject.

Transmitting Dr. Whitney's request for leave of absence.

No. 196.

Legation of the United States,
Tōkyō Japan, November 29th 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to enclose hereunto, with approval, Dr. Whitney's dispatch of date the 28th applying for leave of absence for sixty days from March next with permission to visit the United States.

I have the honor to be,
Sir,
Your obedient servant
Edwin Dun

Enclosure - as above.

Confidential

COPIED FOR CONGRESS.

No. 197.



Legation of the United States,
Tokyo, Japan, November 28, 1894.

Mr. Dun

to the Secretary of State.

Subject:

Overtures for peace made by China to Japan through the Legations of the United States at Peking and Tokyo.

Confidential

No. 197.

Legation of the United States,
Tokyo, Japan, November 28, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

On the 23rd instant I received from Mr. Denby, our representative at Peking, a cipher telegram, the reading of which I have the honor to enclose herewith, requesting me to inform the Japanese Government that he was authorized and requested by China to make overtures to Japan for peace on the basis

of

of the independence of Korea and a reasonable war indemnity to Japan.

I immediately communicated the reading of Mr. Denby's telegram to Viscount Mutsu, H. I. J. Mis. Minister for Foreign Affairs. On the 26th instant, I visited Viscount Mutsu by request at the Foreign Office and was handed by the Minister the reply of the Japanese Government to the overtures made by China through Mr. Denby. I immediately telegraphed this reply to Mr. Denby at Peking. A copy of my telegram is enclosed herewith. 2/ Upon handing me the reply of the Japanese Government, Viscount Mutsu took

occasion

occasion to say to me that it was of the utmost importance that the negociations for peace between Japan and China should be kept secret and confidential; that the success of those negociations might depend upon their being kept secret until terms were agreed upon. He said that Mr. Trench, the British Minister here, had received a telegram from the British Minister at PeKing giving the substance of Mr. Denby's telegram of the 22nd instant to me. He, therefore, asked me to telegraph to you and to Mr. Denby requesting in his name that all ~~communications~~ relating to the negociations be kept

secret

secret and confidential. In compliance with the Minister's request, I had the honor to send you my telegram of the 26th instant, reading enclosed herewith, and to embody the Minister's request in my telegram to Mr. Denby of the same date. 3.

As the reply of Japan to China's proposals indicates that the early appointment of Plenipotentiaries by the two Countries to meet and arrange terms of peace may be expected, the Legations at Peking and Tokyo will then be relieved of all responsibility in connection with the negociations.

I have the honor to be,

Sir,

No. 197. II.

Sir,

Your obedient servant,

Edwin Dun

Enclosures:

1.- Telegram. Mr. Denby to Mr. Dun. Nov. 23, 1894.- Reading.

2.- Telegram. Mr. Dun to Mr. Denby. Nov. 26th, 1894. - Reading.

3.- Telegram. Mr. Dun to the Secretary of State. Nov. 26, 1894. Reading.

Enclosure 1 with Mr. Dun's No. 197.

Reading of a cipher telegram from the United States Minister at Peking.

"Peking, November 22, 1894.

"American Minister, Tokio.

"Please deliver following

"Secretary of State for Foreign Affairs of Japan:

"China authorizes and requests me to make direct over-

"tures for peace. Basis, the recognition of the

"independence of Korea, payment reasonable war indemnity.

"Denby.

Enclosure 2 with Mr. Dun's No. 197.

Reading of a cipher telegram transmitted to the United States Minister at Peking, November 26, 1894.

"Tokio, November 26, 1894.

"American Minister, Peking.

"Please communicate the "following to the Chinese Government from the Japanese "Minister for Foreign Affairs: The proposals made by "China thruogh the United States representatives at "peking and Tokio cannot be accepted by Japan as a basis "for peace. In the present circumstances China does not "appear to be in a mood in which she is likely to accede "to a satisfactory basis for peace but if she is really "solicitous for peace and will appoint properly quali- "fied plenipotentiaries for the purpose Japan will upon "the meeting of the plenipotentiaries of the two coun- "tries declare conditions upon which Japan will consent "to a termination of hostilities. You are requested "by the Japanese Minister for Foreign Affairs to keep "these communications secret and confidential. British "minister at Peking telegraphed your communication to me "to British Minister here.

"Dun."

Enclosure 3 with Mr. Dun's No. 197.

Reading of a cipher telegram transmitted to the Secretary of State, November 26, 1894.

"Tokio, November 26, 1894.

"November 26, Gresham, Washington.

"Overtures for peace
"made by China through our legations. Japan has replied.
"Japanese Minister for Foreign Affairs earnestly requests
"that every communication will be kept secret and
"confidential.

"Dun."

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No. 198.

INDEX BUREAU
REC'D.
DEC 29 1894
DEPT. OF STATE

Legation of the United States,
Tokyo, Japan, November 29, 1894.

Mr. Dun
to the Secretary of State.

Subject:
Japan's reply to the proposal of the President to use his good offices, if acceptable to Japan, in the interest of peace between Japan and China.

No. 198.

Legation of the United States,
Tokyo, Japan, November 29, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:-

In my No. 194, of date the 16th instant, I had the honor to inform you that Viscount Mutsu, H. I. J. M's. Minister for Foreign Affairs, had said to me in a personal interview that I would probably be furnished on the 17th instant with the response of his Government to the inquiry I was directed

directed by the President to make as instructed by your telegram of the 6th instant.

On the 17th instant I visited Viscount Motsu by request and was handed by him that response in a "Verbal Note" copy of which I have the honor to enclose herewith. 1/

When the Minister had handed me the verbal note he took occasion to say that he desired to express to me personally the high appreciation of his Government for the friendly and disinterested sentiments that had alone influenced the President in tendering the good offices of the United States and that while his Government could not entertain

overtures

overtures for peace until such time as China should be disposed to approach Japan directly upon the subject, that, in the event of China's desiring to make direct overtures to Japan for peace, his Government would be much gratified if the Legations of the United States at Peking and Tokyo were availed of as a channel of communication between the two Governments, and he requested me to telegraph to you to that effect. I had the honor to do so on the 17th instant.

Immediately upon my return to the Legation from the Foreign Office

office on the 17th instant, I telegraphed to you in cipher the wording of the Verbal Note, enclosed herewith. 1/

For the reading of the two telegrams of the 17th instant I have the honor to refer you to my No. 200 of this date.

I have the honor to be,
Sir,
Your obedient Servant,
Edwin Dun

Enclosure:
Copy of Verbal Note.

Enclosure with Mr. Dun's No. 198.

VERBAL NOTE.

The Imperial Government do not fail in appreciation of the amicable sentiments which induced the Government of the United States to tender their good offices in the interest of peace between Japan and China.

The universal success which has thus far during the conflict attended the arms of Japan, would seem to relieve the Imperial Government of the necessity of invoking the cooperation of friendly Powers to bring about a cessation of hostilities.

The Imperial Government have no wish to press their victories beyond the limits which will guarantee to them the just and reasonable fruits of the war. Those limits, cannot, however, be said to have been reached until China finds herself in position to approach Japan directly on the subject of peace.

Foreign Office,

Tokio, November 17, 1894.

DIPLOMATIC BUREAU
DEC 20 1894

No. 199.

INDEX BUREAU
REC'D.
DEC 20 1894
DEPT. OF STATE

Legation of the United States,
Tokyo, Japan, November 29, 1894.

To Treas. Dec 20. 1894
To Navy Dec. 27. 1894

Mr. Dun
to the Secretary of State.

Subject:
The Japanese Minister to Great Britain passes through the United States en route to his post.

No. 199.

Legation of the United States,
Tokyo, Japan, November 29, 1894.

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:

Mr. Takaaki Kato, lately appointed Japanese Envoy Extraordinary and Minister Plenipotentiary to the Court of St. James, will leave Japan on the Pacific Mail steamer "China" December 21st next, for San Francisco en route to his post.

I have the honor to request that the

the customs authorities at San Francisco may extend to Mr. Kato the courtesies and facilities usually shewn to representatives of foreign countries visiting the United States in transit to their posts.

I have the honor to be,

Sir

Your obedient servant,

Edwin Dun

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Copy only within
Telegrams Nos 4, 5 and 6. ~~COPIED FOR~~ FOR CONGRESS.

No. 200.



Legation of the United States,
Tokyo, Japan, November 29, 1894.

Mr. Dun
to the Secretary of State.

Subject:
Readings of Telegrams.

No. 200.

Legation of the United States,
Tokyo, Japan, November 29, 1894

Honorable W. Q. Gresham,
Secretary of State,
Washington, D. C.

Sir:-

I have the honor to enclose herewith readings of telegrams as follows:

1. Mr. Dun to the Secretary of State, Nov. 17, 1894 - Cipher

2. Mr. Dun to the Secretary of State, Nov. 17, 1894. - Cipher.

3. Mr. Dun to the Secretary of State, Nov. 24, 1894

4.

4. Mr. Dun to the Secretary of State, Nov. 26, 1894. - Cipher.

5. Mr. Denby to Mr. Dun, Nov. 22, 1894. - Cipher.

6. Mr. Dun to Mr. Denby, Nov. 26, 1894. - Cipher.

I have the honor to be,

Sir,

Your obedient servant,

Edwin Dun

Enclosures:

Readings of 6 telegrams as above.

Enclosure / with Mr. Dun's No. 200 .

Reading of a cipher telegram transmitted to the Secretary of State November 17, 1894.

"Tokio, November 17, 1894.

"November 17. Gresham, Washington.

("The)"Japanese Minister for Foreign Affairs handed me the "following to-day: The Imperial Government do not fail "in appreciation of the amicable sentiments which in- "duced the Government of the United States to tender "their good offices in the interest of peace between "Japan and China.

"The universal success which has thus far during the "conflict attended the arms of Japan would seem to re- "lieve the Imperial Government of the necessity of invok- "ing the cooperation of friendly Powers to bring about "a cessation of hostilities.

"The Imperial Government have no wish to press their "victories beyond the limits which will guarantee to them "the just and reasonable fruits of the war. Thoselimits "cannot, however, be said to have been reached until "China finds herself in position to approach Japan "directly on the subject of peace.

"Dun."

Enclosure 1 with Mr. Dun's No. 200.

Reading of a cipher telegram transmitted to the Secretary of State November 17, 1894.

"Tokio, November 17, 1894.

"November 17. Gresham, Washington.

"The Japanese "Minister for Foreign Affairs requests in the event of "China desiring to approach Japan upon the subject of "peace it shall be done through the Legation of the "United States at Peking.

"Dun."

Enclosure 3 with Mr. Dun's No. 200.

Reading of a telegram transmitted to the Secretary of State November 24, 1894.

"Tokio, November 24, 1894.

"November 24. Gresham, Washington.

"British Admiral

"telegraphs Port Arthur taken by storm 22 instant.

"Dun."

Enclosure 4 with Mr. Dun's No. 200.

Reading of a cipher telegram transmitted to the Secretary of State, November 26, 1894.

V

"Tokio, November 26, 1894.

"November 26. Gresham, Washington.

"Overtures for peace
"made by China through our Legations. Japan has replied.
"Japanese Minister for Foreign Affairs earnestly requests
"that every communication will be kept secret and
"confidential.

"Dun."

Enclosure 5 with Mr. Dun's No.200.

Reading of a cipher telegram received from the Minister of the United States at Peking, November 23, 1894.

"Peking, November 22, 1894.

"American Minister, Tokio.

"Please deliver following

"Secretary of State for Foreign Affairs of Japan:

"China authorizes and requests me to make direct over-

"tures for peace. Basis, the recognition of the

"independence of Korea, payment reasonable war indemnity.

"Denby."

Enclosure 6 with Mr. Dun's No. 200.

Reading of a cipher telegram transmitted to the United States Minister at Peking, November 26, 1894.

"Tokio, November 26, 1894.

"American Minister, Peking.

"Please communicate the "following to the Chinese Government from the Japanese "Minister for Foreign Affairs: The proposals made by "China through the United States representatives at "Peking and Tokio.cannot be accepted by Japan as a basis "for peace. In the present circumstances China does not "appear to be in a mood in which she is likely to accede "to satisfactory basis for peace but if she is really "solicitous for peace and will appoint properly quali- "fied plenipotentiaries for the purpose Japan will upon "the meeting of the plenipotentiaries of the two coun- "tries declare conditions upon which Japan will consent "to a termination of hostilities. You are requested "by the Japanese Minister for Foreign Affairs to keep "these communications secret and confidential. British "Minister at Peking telegraphed your communication to me "to British Minister here.

"Dun."